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THE HISTORY OF GREAT BRITAIN,

FROM THE
FIRST INVASION OF IT BY THE ROMANS
UNDER JULIUS CÆSAR.

WRITTEN ON A NEW PLAN.

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THE

THE HISTORY OF GREAT BRITAIN.

BOOK IV.

CHAP. II.

Hiſtory of Religion in Great Britain, from the death of king John, A. D. 1216, to the acceſſion of Henry IV. A. D. 1399.

SECTION I.

Hiſtory of Religion, from A. D. 1216, *to* A. D. 1300.

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Changes produced by King John's ſubjection to Rome.

AS the ſubjection of the kingdom of England to the ſee of Rome by king John, was a very ſurprizing event, it was attended with very ſtrange effects. In particular, it produced an inſtantaneous and total change in the language and conduct of all parties concerned. The pope, who had poured out upon king John

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the heavieſt curſes, as the worſt of men, and the greateſt enemy of God, now loaded him with bleſſings, as the beſt of princes, and the greateſt favourite of heaven. King John, who had maintained a paſſionate oppoſition to the ambitious pretences of the pope, and threatened to pull down his power, now became the warmeſt advocate for thoſe pretences, and took ſhelter behind the papal chair. The Engliſh barons, who had affected to revere the dictates of the pope as the commands of God, and to dread his fulminations as the artillery of heaven, when they were pointed againſt king John, treated them both with the moſt ſovereign contempt, when they were turned againſt themſelves. Such is the ſhameleſs verſatility of unprincipled politicians!

The pope friendly to Henry III.

As the pope had been the zealous friend of king John in the laſt years of his reign, he warmly eſpouſed the cauſe of his infant ſon Henry III. againſt his competitor prince Lewis. Henry, at his coronation, having ſworn fealty to the pope, as his ſuperior lord, Gualo, the papal legate, renewed the ſentence of excommunication againſt prince Lewis, and all his adherents [1]. After the peace was concluded between Henry and Lewis, and this laſt prince had left the kingdom, the clergy and barons of his party were treated with great ſeverity by the pope, and conſtrained to pay great ſums of money, for having dared to deſpiſe the thunders of the church of Rome [2].

[1] M. Paris, p. 292. Annal. Waverlien ad an. 1216. Wilkin. Concil. t. 1. p. 546.

[2] M. Paris, p. 299.

Cardinal

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Cardinal Langton held a ſynod at Oxford, A. D. 1222, in which fifty canons were made, which contain little new or remarkable. By the twenty-eighth canon, clergymen are prohibited to keep concubines publicly in their own houſes, or to go to them in other places ſo openly as to occaſion ſcandal [3].

Synod of Oxford.

The court of Rome, whoſe thirſt for money was quite inſatiable, formed a project about this time, which would have brought a prodigious maſs of money into the papal coffers, if it had been accompliſhed. By this project, the revenues of two prebendaries in every cathedral, and of two monks in every monaſtery, in all the countries in communion with the church of Rome, were to have been granted to the pope, for the better ſupport of his dignity. When this project was laid before the parliament of England, A. D. 1226, this cold, evaſive anſwer was returned to the papal legate: "That this affair concerned all Chriſten-"dom; and they would conform to the reſo-"lutions of other chriſtian countries [4]."

Papal project.

The death of cardinal Langton, on the 9th of July A. D. 1228, occaſioned freſh diſputes. The manner of filling up the higheſt dignity in the church of England, was in thoſe times ſo unſettled, that every vacancy endangered the peace of the kingdom. The monks of Canterbury on this occaſion made a haſty election of Walter de Hemeſham, one of their own number; with

Richard archbiſhop.

3 Wilkin. Concil. t. 1. p. 599.

4 Id. ibid. p. 620.

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whom both the king and the biſhops of the province being diſſatisfied, all parties, as uſual, appealed to Rome[5]. His holineſs was in no haſte to determine this cauſe, which he affected to think very doubtful and difficult, till the king, by his commiſſioners, made him a promiſe of a tenth of all the moveables, both of the clergy and laity of England. This made the caſe ſo clear, that he immediately declared Hemeſham's election void; and, to prevent all further conteſts, by the plenitude of his own power he appointed Richard Le Grand, chancellor of Lincoln, to be archbiſhop[6].

A papal legate collects money.

The pope, who was bleſſed with an infallible remembrance of the promiſes of the faithful, ſent a legate into England to collect the tenths which the king had promiſed. This demand met with great oppoſition in the Engliſh parliament, eſpecially from the lay barons. But at length, by the united weight of the papal and regal power, all were obliged to ſubmit; and this heavy tax was collected with great exactneſs. The legate, to ſhorten his own work, obliged the biſhops to pay the tax for their inferior clergy; and when any of them complained they had not money, he preſented to them certain Italian uſurers, which he had brought with him, who lent them money at an exorbitant intereſt[7]. Thus cruelly were our anceſtors oppreſſed and fleeced by the venal and inſatiable court of Rome!

[5] M. Paris, p. 350. [6] T. Wykes, p. 41.
[7] M. Paris, p. 362.

This

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This archbiſhop, whoſe election had coſt the nation ſo dear, did not enjoy his dignity much above two years; but dying Auguſt 3, 1231, made way for new diſturbances. The monks made four ſucceſſive elections, which were all voided by the pope, becauſe the perſons elected were not thought to be ſufficiently attached to the intereſts of the court of Rome. At length, after two years vacancy, the pope recommended Edmund Rich, treaſurer of Saliſbury; who was choſen and conſecrated [8].

Edmund archbiſhop.

The pope had not only invaded the rights of the crown, in filling the higher ſtations in the church, but had made equal encroachments on the rights of private patrons, and had got into his hands, by one means or other, the diſpoſal of all the valuable livings in the kingdom, which he generally beſtowed upon Italians. This abuſe became ſo inſupportable, that in the year 1232 a great number of perſons of conſiderable rank formed an aſſociation to drive all theſe foreign eccleſiaſtics out of the kingdom [9]. Theſe aſſociates inſulted the perſons, and plundered the houſes, of the Italian clergy: a thing ſo agreeable to the whole nation, that they met with no oppoſition.

The Italian clergy inſulted.

Cardinal Otho, one of thoſe birds of ill omen, a legate from the pope, arrived in England A. D. 1237, where he continued about three years, receiving many valuable preſents from the biſhops, monaſteries, and clergy. During this time, three

Conſtitutions of Otho.

[8] M. Paris, p. 385. [9] Id. p. 375.

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hundred Italians were ſent into England, to be provided for in the church. This legate held a council at London, 1237; in which a great number of canons were framed, which were called *the Conſtitutions of Otho* [10]. Theſe conſtitutions do not contain many things new or remarkable. By the ſecond canon, the ſacraments are declared to be ſeven in number. The fifteenth is againſt the clandeſtine marriages of the clergy, and the ſixteenth, againſt their keeping concubines publicly; both which practices were ſtill very frequent in England. This legate convened two other aſſemblies of the clergy, with no other view but to make exorbitant demands of money [11].

Archbiſhop Boniface.

Edmund archbiſhop of Canterbury was ſo much chagrined at theſe grievous and inceſſant exactions of the court of Rome, which he could not prevent, that he left the kingdom, and retired to the monaſtery of Pontigniac in France, where he died, A. D. 1240 [12]. Henry, by perſuaſions, promiſes, threats, and other means ſtill more violent and unlawful, prevailed with the monks to chuſe Boniface, the queen's uncle, to be archbiſhop, though he was not very well qualified for that office. The pope, by certain arguments which never failed of ſucceſs at Rome, was prevailed upon to confirm the election [13].

Oppoſition of the Engliſh to

During the primacy of this prelate, ſeveral nuncios and legates arrived in England, improving

[10] Spel. Con. tom. 2. p. 218. Wilkin. Concil. t. 1. p. 649.
[11] M. Paris, p. 448—549. [12] Id. p. 532. [13] Id. p. 525.

upon

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The exactions of Rome.

upon one another in the arts of pillaging this unhappy kingdom. The patience of the Engliſh was at laſt tired out; and the great barons, knowing that there was no other way to ſave the nation from being plundered, but by preventing the approach of theſe Romiſh harpies, ſent orders, A. D. 1245, to the wardens of the ſea-ports, to ſeize all perſons bringing any bulls or mandates from Rome. It was not long before a meſſenger was apprehended with a freſh cargo of bulls, directed to Martin, the legate in England, impowering him to exact more money from the clergy on various pretences. The bulls being ſeized, the legate complained bitterly to the king of this daring inſult; who commanded the bulls to be reſtored. The barons, in order to open the eyes of this deluded monarch, who aſſiſted a foreign court in plundering his own ſubjects, laid before him an account of the incredible ſums which went from England to Rome. Among other articles, it appeared that the church-preferments poſſeſſed by Italians in England amounted to ſixty thouſand marks *per annum:* a greater ſum than the ordinary revenues of the crown. Though Henry was much ſurprized at this account, he had not virtue and ſpirit to join with his people in putting a ſtop to thoſe grievances. The barons, determining to go through with the work which they had begun, held another meeting at Dunſtable, under pretence of a tournament. From this meeting they ſent a bold knight to command the legate, in the name of the barons of England, immediately to leave the kingdom. The knight executed his

Cent. XIII. commiſſion with ſpirit, aſſuring Mr. Martin, that if he remained three days longer in England, he would infallibly be cut in pieces. The legate perceiving that it was no longer in the king's power to protect him from the fury of an injured nation, departed with all poſſible ſpeed [14].

Application to the council of Lyons.

The barons, not contented with what they had done, reſolved if poſſible to prevent the return of thoſe oppreſſions which the kingdom had long ſuffered from the ſee of Rome. With this view, they ſent very honourable ambaſſadors to lay the grievances of the church and kingdom of England before a general council, which was then ſitting at Lyons, in which the pope preſided in perſon. The letter which theſe ambaſſadors preſented to the council from the barons of England, breathes a ſpirit of independency and good ſenſe hardly to be expected in that age. After a very full and free enumeration of the oppreſſions of the court of Rome, it concludes with theſe bold and reſolute expreſſions: "We can, no longer, with any patience, "bear the foreſaid oppreſſions; which, as they "are deteſtable to God and man, are intolerable "to us; neither, by the grace of God, will we "any longer endure them [15]." William Powerie, one of the ambaſſadors who preſented this letter, made a ſpirited harangue to the council, in which he ſet forth the innumerable frauds and inſatiable avarice of the court of Rome in ſuch ſtrong colours, that his holineſs was covered with ſhame, and a

[14] M. Paris, p. 659. [15] Id. p. 666.

bluſh

bluſh was ſeen on the face of infallibility. But this bluſh was all the ſatisfaction the Engliſh nation obtained from the pope and council, who put off the conſideration of this affair ſo long, that the ambaſſadors, ſeeing no proſpect of redreſs, returned home in diſcontent [16]. Cent. XIII.

The unnatural fit of modeſty with which his holineſs had been ſeized at the council of Lyons, was not of long duration: for the very year after, we find his agents in England as violent as ever in their extortions; which occaſioned freſh remonſtrances, not only from the barons, but even from the king and clergy. The letters to the pope from the king and clergy, were humble and timid; but thoſe from the barons were more bold, threatening, that if his holineſs did not immediately redreſs their grievances, they would do themſelves juſtice [17]. But all theſe letters were treated with ſcorn by the haughty pontiff, who became daily more imperious and tyrannical. He obliged the Engliſh prelates to ſubſcribe the ſentence of excommunication againſt the emperor Frederick II. and to furniſh a certain number of armed men to fight againſt that prince, though he was brother-in-law to their own king [18]. Not contented with all this, the court of Rome, in this ſame year 1246, demanded at once the half of all the revenues of the non-reſiding clergy, and the third of the revenues of thoſe who reſided. This demand being ſo great, rendered the clergy unanimous in Further exactions of the court of Rome.

16 M. Paris, p. 681. 17 Id. p. 699, &c. 18 Id. p. 701.

their

Cent. XIII.

their oppoſition, in which they were ſupported by the king and barons. His holineſs, finding he had gone a little too far, very prudently deſiſted[19].

Courage of the biſhop of Lincoln.

While the pope was thus trampling upon the church and kingdom of England, a private prelate had the courage to oppoſe him; and, which is more wonderful, to oppoſe him with ſucceſs. This eccleſiaſtical hero was Robert Groſted biſhop of Lincoln, a perſon of uncommon learning for the age in which he lived; and of ſuch unfeigned piety, untainted probity, and undaunted courage, as would have rendered him an ornament to any age. When this biſhop received bulls from Rome, he examined them with great attention; and if he found that they commanded any thing contrary to the precepts of the goſpel, and the intereſts of religion (which was very often the caſe), he tore them in pieces, inſtead of putting them in execution. Innocent IV. one of the moſt imperious pontiffs that ever filled the papal chair, ſent this biſhop a bull, which contained in it the ſcandalous clauſe of *Non obſtante*, ſo much and ſo juſtly exclaimed againſt in that age; and beſides, commanded him to beſtow a conſiderable living in his gift upon the pope's nephew, who was an infant. The biſhop was ſo far from complying with this bull, that he ſent the pope a letter, in which he expoſed the injuſtice and impiety of it, with the greateſt freedom and ſeverity. With regard to the

[19] M. Paris, p. 708.

clauſe

clauſe of *Non obſtante*, lately introduced into the papal bulls, the good biſhop uſed theſe expreſſions in his letter: "That it brings in a deluge of miſ- "chief upon Chriſtendom, and gives occaſion to "a great deal of inconſtancy and breach of faith; "it even ſhakes the very foundations of truſt and "ſecurity amongſt mankind, and makes language "and letters almoſt inſignificant." With reſpect to that part of the bull which required him to beſtow a benefice upon an infant, he ſays,—"Next "to the ſins of Lucifer and Antichriſt, there can- "not be a greater defection, or which carries a "more direct oppoſition to the doctrine of our Sa- "viour and his apoſtles, than to deſtroy people's "ſouls, by depriving them of the benefits of the "paſtoral office; and yet thoſe perſons are guilty "of this ſin, who undertake the ſacerdotal func- "tion, and receive the profits, without diſcharg- "ing the duty. From hence it is evident, that "thoſe who bring ſuch unqualified perſons into "the church, and debauch the hierarchy, are "much to blame; and that their crimes riſe in "proportion to the height of their ſtation [20]."— Theſe were ſtrains of truth and freedom to which his holineſs had not been accuſtomed. He fell into a furious paſſion, and ſwore by St. Peter and St. Paul, that he would utterly confound that old, impertinent, deaf, doting fellow, and make him a talk, and aſtoniſhment, and example to all the world. "What!" ſaid he, "is not the king of

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[20] Collier, Ch. Hiſt. vol. 1. p. 460. Annal. Burton, p. 326.

"England,

Cent. XIII. "England, his maſter, our vaſſal, or rather our "ſlave? and will he not, at the leaſt ſign of ours, "caſt him into priſon?" When his holineſs had a little ſpent his rage, the cardinals repreſented to him, "That the world began to diſcover the truth "of many things contained in the biſhop's letter; "and that if he perſecuted a prelate ſo renowned "for piety, learning, and holineſs of life, it might "create the court of Rome a great many ene-"mies." They adviſed him therefore to let the matter paſs, and make as if he had never ſeen this provoking letter[a].—What honour is due to the memory of the noble Groſted, who made ſo bold a ſtand againſt the tyranny of the court of Rome, in an age when it trampled upon kings and emperors!

Synod of Merton.

Boniface archbiſhop of Canterbury was of a very different ſpirit, and ſcrewed up the power of the church to the greateſt height. This appears from the canons of the provincial ſynod held at Merton in Surrey, A. D. 1258, by this prelate. The firſt canon forbids archbiſhops, biſhops, and inferior clergy, to appear before civil courts to anſwer for any part of their conduct which had the moſt remote relation to church affairs; and threatens the judges, and even the king himſelf, with the higheſt cenſures of the church, if they inſiſt on ſuch appearance. The ſecond relates to patronages; and the third is againſt the intruſion of clerks into benefices by a lay power. The

[a] Du Pin's Ch. Hiſt. vol. 11. p. 62. M. Paris. p. 870, &c.

fourth

fourth makes ſuch regulations concerning excommunication as rendered that ſentence truly terrible. The fifth forbids laymen to impriſon clergymen. In the ſixth the church claims a right of judging concerning contracts between a clergyman and a layman. The ſeventh aſſerts the right of the church to judge and puniſh Jews. The eighth provides for the perfect ſecurity of thoſe criminals who had taken ſanctuary in churches. The ninth, tenth, and eleventh, are deſigned to prevent all invaſions of every kind on the poſſeſſions of the church and clergy, which are declared ſacred and inviolable. And the two laſt provide for the church's peaceable enjoyment of all pious legacies and donations[22]. In a word, the viſible tendency of all thoſe canons was to emancipate the church and clergy from civil authority, and, at the ſame time, to wreath the yoke of eccleſiaſtical tyranny ſtill faſter about the necks of the laity. It is no wonder, therefore, that the laity were alarmed at theſe proceedings. The barons wrote a letter to the pope, complaining of thoſe ſtretches of church-power, and of the ignorance and immoralities of the clergy, and threatening to withdraw thoſe ample revenues which had been beſtowed upon the church by the piety of their anceſtors, ſince they were ſo much abuſed. But they applied to a very wrong quarter for redreſs: his holineſs anſwered coldly, that he did not ſuppoſe the clergy of England were more ignorant or immoral than they had Cent. XIII.

[22] See Spelman, Lynwood, and Johnſon's Councils.

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been in former ages; and that it was utterly impoſſible to withdraw any part of the revenues of the church; for whatever was once dedicated to the ſervice of God was irrevocable [23].

Synod of Lambeth.

The archbiſhop, ſecure of the protection of the Holy See, was ſo far from retracting any thing he had done, that he held another provincial ſynod, A. D. 1261, at Lambeth, in which the conſtitutions of Merton were confirmed and enlarged. The ſecond of theſe additional canons complains bitterly of the ſecular powers, for ſometimes preventing prelates from inflicting pecuniary and corporal puniſhments on delinquents; and denounces the heavieſt cenſures on thoſe diſturbers of church-diſcipline. By another of theſe canons, every biſhop is commanded to have one or two priſons in his dioceſe, for the confinement of clerks convicted of capital crimes; "for," ſays the canon, "if any clerk be ſo incorrigibly wicked, that he "muſt have ſuffered capital puniſhment if he had "been a layman, we adjudge ſuch an one to per-"petual impriſonment." So ſhameleſs were the clergy of thoſe times, not only in their practices, but in their very laws [24]!

Exactions of the pope.

Though we have ſaid nothing for ſome time of the exactions of the court of Rome, we muſt not imagine that theſe exactions had ceaſed. On the contrary, they went on more briſkly than ever. The fatal preſent of the crown of Sicily, which the

23 Annal. Burton, p. 388. Wilkin. Concil. t. 1. p. 736—740.

24 Johnſon's Canons, ann. 1261.

pope

pope made to prince Edmund, A. D. 1254, furniſhed his holineſs with an excellent handle for draining England of its wealth, for ſeveral years; in which ſpace he is ſaid to have drawn from this kingdom about nine hundred and fifty thouſand marks: an immenſe ſum, equal in value and efficacy to twelve millions ſterling of our money at preſent! It is true, indeed, that during the heat of the civil wars, eſpecially when the barons had the aſcendant, the pope did not receive ſo much Engliſh money as uſual, but he took great pains to get as much of it as poſſible. Cent. XIII.

After the reſtoration of the royal authority by the victory of Eveſham, the pope ſent his legate Othobon into England, to congratulate Henry on that happy event, and to manage the affairs of the court of Rome. This legate, obſerving how matters went, very charitably excommunicated the late earl of Leiceſter, and all his party, whether dead or alive [25]. The ſame legate held a national council, A. D. 1268, at St. Paul's in London [26]. In this council a great number of canons were made, much the ſame in ſubſtance with thoſe of the former council of London, 1237, under the legate Otho. Very ſevere canons were framed in this council againſt pluralities, commendams, non-reſidence, and the clergy's accepting of civil offices; but theſe canons made little or no reformation in any of theſe reſpects, being chiefly de- Council of London.

25 T. Wykes, p. 74.

26 T. Wykes, p. 85. M. Weſtmonſt. p. 400.

ſigned

Cent. XIII.

ſigned to increaſe the power and revenues of the pope, by granting diſpenſations. This was the laſt council held in England in the reign of Henry III. who died on the 16th of November 1272 [27].

Kilwarby primate.

Boniface archbiſhop of Canterbury did not long ſurvive his great friend and patron king Henry; and his death occaſioned freſh diſputes about the election of a ſucceſſor. The monks of Chriſt-church made choice of their ſub-prior William Chillenden; but the pope refuſed to confirm his election, and by his own power nominated Robert Kilwardy, a black friar, to be archbiſhop [28]. King Edward was not yet returned from the Holy Land; and the guardians of the kingdom, not willing to come to a rupture with his holineſs in the abſence of their ſovereign, acquieſced in this nomination. But that the rights of the crown might not ſuffer by their ſilence, they made a ſolemn proteſtation againſt this act of the pope, as an encroachment on the royal prerogative, and inſiſted that it ſhould not be drawn into precedent; and Barnard, the king's reſident at the court of Rome, made a proteſtation in his maſter's name to the ſame effect. The monks of Canterbury, too, in order to preſerve their own rights, proceeded to an election, and made choice of Kilwarby. From hence it appears, that though the kings and clergy of England often ſubmitted to theſe papal encroachments, they never loſt ſight of their own undoubted rights.

[27] M. Weſtmonſt. p. 401. [28] Anglia Sacra, t. 1. p. 116.

In

Cent. XIII. Council of Lyons.

In the year 1274, the pope held a general council at Lyons, for the reformation of church diſcipline, and the relief of the Holy Land [29]. For this laſt purpoſe, the pope and council impoſed a tax on all the clergy of a tenth of their revenues, for ſix years. This tax was collected in England, as well as in other countries of Chriſtendom.

Oppreſſions of the pope.

As the power of the pope and the church appear to have been at their greateſt height in England about this time, it may not be improper to take a ſhort view of this prodigious fabric of eccleſiaſtical tyranny, and of the deplorable oppreſſions under which our anceſtors groaned in this ſuperſtitious age. Some of thoſe oppreſſions are not ill expreſſed in that letter of complaint which was written to the pope by the king, the prelates, and the barons of England, A. D. 1246. In that letter they complain, 1. That the pope, not content with the annual payment of Peter-pence, exacted from the clergy great contributions, without the king's conſent, and againſt the cuſtoms, rights, and liberties of the realm of England. 2. That the patrons of churches could not preſent fit perſons to the vacant livings, the pope conferring them generally on Italians, who underſtood not the Engliſh language, and carried out of the kingdom the money ariſing from their benefices. 3. That the pope oppreſſed the churches, by exacting penſions from them. 4. That Italians ſucceeded Italians, contrary to the decree of the council of

[29] Du Pin's Chur. Hiſt. vol. 11. p. 123.

Cent. XIII.

Lyons; and that theſe Italians were inveſted in their livings without trouble or charges; whereas the Engliſh were obliged to proſecute their rights at Rome at a great expence. 5. That in the churches filled by Italians, there were neither alms nor hoſpitality; neither was there any preaching; and the care of ſouls was entirely neglected. 6. That the clauſe of *non obſtante*, generally inſerted in the pope's bulls, abſolutely deſtroyed all laws, cuſtoms, ſtatutes, and privileges, of the church and kingdom [30]. To theſe were added many other grievances no leſs oppreſſive and intolerable; ſuch as,—the pope's filling the higheſt dignities of the church by his own power, and making the archbiſhops and others pay exorbitant ſums for their preferments;—his drawing all cauſes of any importance to Rome, and keeping the parties long waiting for their determination, at a great expence;—if we add to all theſe the great ſums that went annually to Rome, for pardons, indulgences, diſpenſations, &c. &c. &c. we ſhall be ſurpriſed that the kingdom was not drained of all its wealth.

Encroachments of the Engliſh clergy.

Beſides all theſe oppreſſions and exactions of the court of Rome, the clergy at home claimed many privileges which were quite inconſiſtent with the peace and proſperity of the kingdom; ſuch as an exemption from all civil authority and juriſdiction, by which they were at liberty to commit the greateſt crimes almoſt with impunity. The eccle-

[30] M. Paris, p. 699. An. Burton, p. 307.

ſiaſtical

ſiaſtical courts encroached greatly on the juriſdiction of the civil courts, and claimed the ſole right to judge all cauſes relating to tithes, marriages, teſtaments, and many other things, under a pretence that they had ſome connection with ſpirituals. The poſſeſſions of the clergy too, never diminiſhing, but daily increaſing, were now ſwelled to an enormous bulk, and threatened to ſwallow up the whole lands of the kingdom. Theſe things cried aloud for reformation, and the great prince who was now upon the throne made ſome amendments in a few particulars. Cent. XIII.

One of the ſtatutes of Weſtminſter 1275, ſet ſome bounds to the immunities of the clergy, by enacting, that when a clerk was indicted in the king's court for any felony, he ſhould not be delivered to his ordinary, until he had undergone an inqueſt and trial by lawful men[31]. By the famous ſtatute of mortmain, A. D. 1279, a ſtop was put to the further increaſe of the poſſeſſions of the church, which were already far too great. For by that ſtatute it was enacted, "That from hence-"forth none ſhall either give, ſell, bequeath, or "change, or by any other title whatſoever aſſign, "any lands, tenements, or rents, to any religious "body, without licence from the king had for that "purpoſe[32]." Remedies.

In the year 1278, Robert Kilwarby archbiſhop of Canterbury, being promoted to be cardinal of Peckham primate.

[31] Coke's Inſt. part ii. p. 156.
[32] Knyghton, col. 2462. Statutes at Large, p. 83.

Cent. XIII. Oporto by the pope, reſigned his ſee, and went to Rome. His holineſs, after rejecting Robert Burnell biſhop of Bath and Wells, who was elected by the monks of Canterbury, nominated John Peckham, a Franciſcan friar, to that high dignity, who is ſaid to have paid a good ſum for his nomination [33]. Peckham, being conſecrated by the pope, came over to England, and was peaceably received by Edward, who did not think fit at this time to engage in a quarrel with the court of Rome.

Synod of Reading. This primate held a provincial ſynod at Reading, in Auguſt 1279; in which the conſtitutions of Ottobon were confirmed, and ſeveral canons were made,—about the collation to benefices;—deſcribing the perſons againſt whom the ſentence of excommunication was to be annually denounced,—againſt the clergy keeping concubines,—about baptiſm,—and about the government of monks and nuns [34]. But ſome of theſe canons concerning excommunication were ſo diſagreeable to the king and parliament, that the venerable father John archbiſhop of Canterbury was obliged to appear before the king in his parliament at Michaelmas the ſame year, and there had the mortification to ſee ſome of the articles of his late canons blotted out, and others changed; and was made to declare his aſſent to theſe alterations. This was a very bold effort (conſidering the times) of the civil power againſt eccleſiaſtical tyranny, and a proper prelude to the

33 Du Pin, vol. xi. p. 75. 34 Spelman Concil. t. 11. p. 320.

ſtatute

ſtatute of mortmain, which was enacted by the ſame parliament. Cent. XIII.

The ſame primate held another council of his clergy at Lambeth, A. D. 1281, in which ſeveral canons were made. The moſt remarkable of theſe was the firſt, which related to the adminiſtration of the euchariſt. Amongſt other things it is decreed, that at the elevation of the hoſt the bells ſhall ring, and all that hear them, even out of church, ſhall fall down on their knees. The ſame canon contains alſo directions to the prieſts, what inſtructions they ought to give the people about this ſacrament [35]. One of theſe inſtructions is ſo ſingular, that it well deſerves a place here: "Let "prieſts alſo take care, when they give holy com- "munion at Eaſter, or at any other time to the "ſimple, diligently to inſtruct them, that the "body and blood of our Lord is given them at "once under the ſpecies of bread; nay, the very "living and true Chriſt, who is entirely under this "ſpecies in the ſacrament. And let them alſo "inſtruct them, that what is at the ſame time "given them to drink, is not the ſacrament, but "mere wine, to be drank for the more eaſy ſwal- "lowing of the ſacrament which they have "taken [36]." Theſe wiſe inſtructions were plainly intended to prepare the poor laics for what ſoon after happened, the depriving them of the cup entirely, and leaving them to ſwallow their dry bread in the beſt manner they could.

[35] Du Pin's Ch. Hiſt. vol. 11. p. 131. Johnſon's Canons, an. 1281.
[36] Spelman's Con. v. 2. p. 329.

Cent. XIII.

Primate's letter to the king.

The inclination which Edward and the parliament had lately diſcovered, to ſet ſome bounds to the increaſing power and wealth of the clergy, was by no means agreeable to the archbiſhop; who, in the year 1281, wrote a very ſharp letter to the king on that ſubject[37]. In that letter he complains, that the church was oppreſſed, contrary to the decrees of the popes, the canons of councils, and the ſanction of orthodox fathers; "in which," ſays he, "there is the ſupreme authority, the ſupreme truth, the ſupreme ſanctity; and no end "can be put to diſputes, unleſs we can ſubmit "our ſolemnity to theſe three great laws." In this epiſtle the primate roundly declares, that no oaths ſhall bind him to do any thing againſt the intereſts and liberties of the church; and very kindly offers "to abſolve the king from any oath "he may have taken that can anywiſe incite him "againſt the church." But this thundering letter made no impreſſion on king Edward, who continued to take ſeveral other ſteps towards abridging the exorbitant power and wealth of the clergy.

New hereſy.

Archbiſhop Peckham took occaſion, A. D. 1286, to diſplay his orthodoxy, and ſkill in ſcholaſtic divinity, by cenſuring ſeveral propoſitions maintained by one Richard Knapwell, a Dominican friar; the only heretic we hear of in England in the thirteenth century. Theſe propoſitions maintained by the friar, and condemned by the primate,

37 Du Pin's Ch. Hiſt. vol. 11. p. 131. Spelman's Concil. t. 2. p. 341.

are

are ſo far curious, as they ſhew us what were the ſubjects of controverſy and diſquiſition amongſt the divines and philoſophers of this period, and were as follows: "1. That the dead body of "Jeſus Chriſt had not the ſame ſubſtantial form "as when living. 2. That if the euchariſtical "bread had been conſecrated with theſe words, "*This is my body*, during the three days Jeſus "Chriſt lay in his grave, the bread would have "been tranſubſtantiated into the new form which "the body of Chriſt took at the ſeparation of his "ſoul. 3. That after the reſurrection of Jeſus "Chriſt, the euchariſtical bread is tranſubſtan-"tiated by virtue of theſe words, *This is my body*, "into the whole living body of Chriſt; that is, "the matter of the bread is converted into the "matter of his body, and the ſubſtantial form of "the bread into the ſubſtantial form of his body; "that is to ſay, into his intellectual ſoul, ſo far as "it conſtitutes the form of his body. 4. That "in man there is only one form, namely, his ra-"tional ſoul, without any other ſubſtantial form. "5. That in articles of faith, a man is not bound "to reſt on the authority of the pope, or of any "prieſt or doctor; but that the holy ſcriptures, "and right ſeaſon, are the only foundations of "our aſſent[38]." One cannot help wondering how ſo important a truth as that which is contained in the laſt propoſition, ever came into company with Cent. XIII.

[38] T. Wykes, p. 114. Knyghton, col. 2467. Spel. Con. vol. 2. p. 347.

Cent. XIII. the vile jargon and nonſenſe of all the reſt. This laſt propoſition, however, was no doubt conſidered by the primate as the greateſt and moſt dangerous hereſy of the whole.

The king extorts money from the clergy.

Archbiſhop Peckham dying A. D. 1292, was ſucceeded, after a vacancy of two years, by Robert Winchelſey, who ſat very uneaſy in the archiepiſcopal chair. King Edward being much engaged in war, had great occaſion for money, and made frequent demands upon the clergy, which were conſidered by them as grievous encroachments on the immunities of the church. Theſe demands of money became more frequent and more heavy during the primacy of Winchelſey, on account of the long and expenſive war with Scotland. In the year 1294, while the archbiſhop-elect was ſtill at Rome, Edward ſeized all the money which had been collected in England, for the holy war, and was depoſited in ſeveral monaſteries, and applied it to his own uſe [39]. A few months after this, he called an aſſembly of the clergy to meet at Weſtminſter on the 21ſt September in the ſame year, and demanded from them one half of all their revenues, both ſpiritual and temporal [40]. This demand, as might have been expected, was not very cheerfully complied with; and they obtained an audience of the king, in order to perſuade him to accept of a more moderate proportion. But William Montfort dean

[39] T. Wykes, p. 126. Walſing. p. 65.
[40] M. Weſt. p. 421, 422.

of St. Paul's whom they had appointed their prator, was thrown into ſo violent an agitation of ſpirits, probably by the royal frowns, ſoon after he had began his harangue, that he ſunk to the ground, and expired upon the ſpot. When the clergy, after this fatal accident, had returned to the monks hall at Weſtminſter, their deliberations were interrupted by the intruſion of Sir John Havering, ſent by the king; who, with a fierce menacing air, addreſſed the aſſembly in this laconic ſpeech: "Reverend fathers, if any of you dare to "contradict the king's demand in this buſineſs, "let him ſtand forth into the midſt of this aſ- "ſembly, that his perſon may be known, and "taken notice of, as a breaker of the peace of "the kingdom." None of the clergy had courage to return any anſwer to this ſpeech, or make any further oppoſition to the king's demand. Cent. XIII.

The archbiſhop hearing what havock Edward was making of the revenues of the church, obtained a bull from Boniface VIII. one of the greateſt champions for the power, wealth, and immunities of the clergy, that ever filled the papal chair, prohibiting all princes to levy any taxes on the clergy in their dominions, without the leave of the holy ſee, and forbidding the clergy to pay any ſuch taxes; and threatening both princes and clergy with the dreadful ſentence of excommunication in caſe of diſobedience [41]. Winchelſey, armed with this impenetrable ſhield (as he imagined) againſt

The clergy deny the right of the king and parliament to tax them.

[41] Rymer, vol. 2. p. 706. Heming. vol. 1. p. 104.

all

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all future attempts on the ſacred patrimony of the church, returned into England; and ſoon had occaſion to try its ſtrength and efficacy. For Edward held a parliament at St. Edmundſbury, on November 3, A. D. 1296[42], in which he demanded from the clergy a fifth of all their moveables. They refuſed to comply with this demand; and the archbiſhop produced the pope's bull, which he had hitherto kept ſecret, as the ground of their refuſal[43]. Though the king was greatly offended at this refuſal, and ſtill more at the pretence on which it was built, he did not immediately proceed to extremities, but gave them to the next meeting of parliament to conſider of the matter. At the meeting of the next parliament, 15th January 1297, the clergy ſtill perſiſted in refuſing to comply with the king's demand[44].

The clergy obliged to ſubmit.

Edward, perceiving that this diſpute was come to a criſis, and that he muſt now eſtabliſh the right of king and parliament to tax the poſſeſſions of the clergy without the conſent of the pope, or for ever give it up, determined to carry his point. With this view he told the clergy, that ſince they would contribute nothing to the ſupport of his government, they ſhould receive no protection from it; and he gave orders to all his judges to do every man juſtice againſt the clergy, but to do them juſtice againſt no man. At the ſame time he directed writs to all the ſheriffs in England,

42 Walſing. p. 68.
43 Heming, vol. 1. p. 107.
44 Walſing. p. 68.

com-

commanding them " to ſeize all the lay fees of " the clergy, as well ſecular as regular, together " with their goods and chattels, and keep them " in their poſſeſſion, until they received further " orders from him."[44] Theſe two things brought ſuch a torrent of abuſes, injuries, and diſtreſſes, on the clergy, that many of them very ſoon complied with the king's demand, and obtained the protection of the government, and reſtitution of their eſtates and goods. At laſt, even the archbiſhop himſelf, the chief author of all this diſturbance, after he had been ſtripped of all, and almoſt reduced to want the neceſſaries of life, was brought to ſubmiſſion, and paid the fifth part of his moveables, to redeem the reſt of his poſſeſſions[45]. Thus did this great king, by his wiſe and ſteady meaſures, triumph over the covetous and ſelfiſh claims of the pope and clergy, when their power was at the higheſt. Cent. XIII.

While this great controverſy between the king and the clergy ſubſiſted, the primate held a provincial ſynod at London in January 1298, in which it was decreed, " That the ſeizers of eccle- " ſiaſtical goods, and ſuch as took them away by " violence, without the free leave of their owners, " or of their bailiffs, be publicly and in general " denounced to be under the ſentence of the " greater excommunication, by the biſhops them- " ſelves in the cathedral churches and other no- " table places, by other idoneous men, in other Synod of London.

[44] M. Weſt. p. 429. Walſing. p. 69.

" churches

Cent. XIII. "churches of every dioceſe, at the command of "the dioceſan [46]." But the whole body of the clergy being immediately after this put out of the protection of the law, and expoſed to all manner of inſults, theſe excommunications were either not denounced, or not regarded. After this ſtorm was blown over, and the archbiſhop had recovered the poſſeſſion of his ſee, he ſent a ſolemn mandate to all the biſhops of his province, dated at Otteford 6th ides of July 1298, enjoining and commanding them, by virtue of their canonical obedience, 1. To cauſe the ſentence of excommunication to be publiſhed in every church in each of their dioceſes, againſt all ſeizers of the goods of eccleſiaſtical men, according to the decree of the ſynod of London. 2. To cauſe the ſame ſentence to be publiſhed in each of their cathedral churches, twice a-year, againſt all infringers of the great charter, and the charter of foreſts (which had been lately renewed by the king), and to cauſe the ſaid charters to be at the ſame time publicly read before the people. 3. To cauſe the ſame ſentence of the greater excommunication to be publiſhed in every church in each of their dioceſes, every Lord's day, and every feſtival, againſt all who ſhould be guilty of beating or impriſoning clergymen. All theſe excommunications were to be pronounced with the greateſt poſſible ſolemnity, with bells tolling and candles lighted, that it may cauſe the greater dread; "for laymen (ſays

[46] Johnſon's Canons, an. 1298.

the

Cent. XIV.

"the primate) have greater regard to this ſo-
"lemnity than to the effect of ſuch ſentences [47]."

Synod of Merton.

Archbiſhop Winchelſey held a provincial ſynod at Merton, A. D. 1305, in which ſeveral canons were made, relating to the payment of tithes, the duty of ſtipendiary or maſs-prieſts, and ſome other things of no great importance. The fourth canon of this ſynod may perhaps be thought curious, as it contains a very full and diſtinct detail of the ſeveral books, veſtments, and utenſils which were uſed in the celebration of divine ſervice, in this period, together with the other furniture and ornaments of their churches. The deſign of the canon was to put an end to all diſputes between the rectors of churches and their pariſhioners, by aſcertaining what part of the books, veſtments, utenſils, furniture, and ornaments of the church each of them was to provide and keep in repair. By this conſtitution the pariſhioners were obliged to provide the following books for their church, viz. A Legend or Lectionary, a book containing all the leſſons, out of ſcripture, and other books, which were to be read throughout the year; 2. An Antiphonar, a book containing all the invitatories, reſponſes, verſes, collects, and every thing that was ſaid or ſung in the quire, except the leſſons; 3. A Grail, a book containing the tracts, ſequences, hallelujahs, the creed, offertory, triſagium, &c. and the office for ſprinkling the holy water, and all that was to be ſung at high maſs;

47 Spel. Con, vol. 2. p. 428.

4. A Pſal-

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4. A Pſalter; 5. A Troper, which contained only the ſequences which were not in the Grail; 6. The Ordinal, a book containing directions for the right method of performing all the divine offices; this book was ſometimes called the Pie or Portuis; 7. A Miſſal or Maſs-book; 8. A Manual, a book containing the offices of baptiſm, and the other ſacraments, except the maſs, with the ſervice uſed at proceſſions. It muſt have been a great expence to pariſhes to provide all theſe books before the invention of printing, when the common price of a maſs-book was five marks, equal to the yearly ſtipend of ſome vicars at that time. Beſides theſe books, the pariſhioners were obliged to provide the following veſtments, viz. 1. The principal veſtment, or beſt cope, to be uſed on the greater feſtivals; 2. A cheſible, being the garment worn by the prieſt next under the cope, and which was ſometimes called the planet; 3. A dalmatic, the garment uſed by the deacon; 4. A tunic, for the ſub-deacon; 5. A choraal cope, for common uſe, with its appendages, viz. the alb, amyt, ſtole, maniple, and girdle; 6. Three ſurplices, and one rochet, or ſurplice without ſleeves; 7. A frontal or covering for the great altar, and three or four towels. The pariſhioners were further obliged to provide the following ſacred utenſils; 1. A chalice or cup for the wine, with a patin or cover, both of ſilver; 2. A pyx or box for the body of Chriſt, of ivory or ſilver; 3. A cenſer; 4. A croſs for proceſſions, and another croſs for the dead to be uſed in the burial office; 5. A baptiſmal font, with

lock and key; 6, A veſſel for the holy water; 7. A great candleſtick for the taper at Eaſter; 8. A lanthorn and hand-bell, to be carried before the body of Chriſt in the viſitation of the ſick; 9. An oſculatory, or board with the picture of Chriſt or the Virgin Mary painted on it, which the prieſt kiſſed immediately after conſecrating the hoſt, and then handed about to the congregation to kiſs; 10. All the images in the church, and the chief image in the chancel. The pariſhioners were obliged alſo to build and keep in repair the body of the church, the glaſs windows, and to furniſh it with bells, and ſeveral other things. All this muſt have been attended with a very great expence, as ſeveral of theſe articles were coſtly both in their materials and workmanſhip. The rectors were obliged to keep the chancel, with its deſks, &c. in repair [43]. Cent. XIV.

The holding the ſynod of Merton was amongſt the laſt public acts of archbiſhop Winchelſey, in the reign of Edward I. he being ſoon after involved in very grievous troubles. For though the king and the primate had been outwardly reconciled to one another ſeveral years ago, yet that reconciliation never was ſincere. The primate ſtill continued to defend the immunities of the clergy with much zeal, and warmly joined with that party of the barons who oppoſed Edward's arbitrary meaſures, and obliged him frequently to confirm the great charter, againſt his inclination. The Troubles of the primate.

[43] Spel. Conc. vol. 2. p. 431. Johnſon's Canons, A. D. 1305.

king

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king was greatly enraged at this behaviour of the archbiſhop, and only waited a favourable opportunity to make him feel the weight of his reſentment. Such an opportunity now offered. The high conſtable, and earl marſhal, the two heads of that party to which the primate had conſtantly adhered, had lately been deprived of their offices, and obliged to throw themſelves on the king's mercy. Boniface VIII. the great friend and protector of Winchelſey, was now dead, and the papal chair was filled by Clement V. who having been born in Edward's French dominions, was much diſpoſed to favour his native ſovereign. The king accuſed the archbiſhop before the pope of various crimes, particularly of diſturbing the peace of the kingdom by abetting the factious barons; and his holineſs ſuſpended him from the execution of his office, deprived him of the temporalities of his ſee, and cited him to appear at Rome[49]; where he continued in indigence and diſgrace, till after the king's death, when he was recalled by Edward II. and reſtored to his dignities and poſſeſſions.

Checks given by parliament to the exactions of the clergy.

Edward I. in the abſence of the primate, endeavoured to reform ſeveral eccleſiaſtical abuſes in his laſt parliament, which met at Carliſle 21ſt January 1307. The ſuperiors of ſeveral religious orders, who lived beyond ſeas, uſed frequently to come into England, on pretence of viſiting the monaſteries of their order; from whence they

49 Walſing. p. 91. W. Thorn. col. 2003.

extorted

extorted great ſums of money, which they carried out of the kingdom. To prevent this practice, a ſtatute was made, prohibiting the exportation of the goods of religious houſes on any pretence whatſoever [50]. Cent. XIV.

The court of Rome, ever fertile in expedients for obtaining power and wealth, had lately invented a new method of getting the diſpoſal of all eccleſiaſtical benefices and preferments. This was by giving reverſionary grants of benefices before they became vacant; by which the legal patrons were deprived of their right of preſentation. Theſe grants were called proviſions, becauſe thereby ſucceſſors were provided to incumbents while they were yet living. The pope had alſo, about this time, laid claim to the firſt-fruits of all vacant biſhoprics, which had formerly belonged to the king. The parliament made loud complaints againſt theſe, and ſeveral other ſchemes, which the court of Rome had lately ſet on foot to drain the kingdom of money. In order to obtain a redreſs of theſe new grievances, the parliament drew up a liſt of them, which they ſent to the pope, accompanied with a very ſpirited letter. This liſt of grievances conſiſted of ſeven articles; which were as follows: Proviſions.

1. The extravagant number of proviſions granted by the pope, of the beſt ſpiritual preferments, to Italians, or other foreigners, and non-reſidents, to the great prejudice of the founders, benefactors, Liſt of grievances

[50] Coke's 2d Inſt. p. 580. Ryley's Placit. Parl. p. 132.

Cent. XIV. and their ſucceſſors, and to ſuch as had the right of advowſon, and the gifts of ſuch preferments.

2. The rents and revenues of religious houſes, which the pope intended to apply to the uſe of divers cardinals.

3. Concerning firſt fruits of vacant benefices reſerved to the pope, a thing never heard of before; concerning the collection whereof, he had lately iſſued forth divers hard and ſevere orders, much prejudicial to the king, kingdom, and the whole Engliſh church.

4. About Peter-pence; that it was not taken according to the firſt grant, but exacted to treble the value.

5. Concerning legacies given to pious uſes; that they were wickedly demanded, and exacted by the authority of the apoſtolic ſee, and converted to other uſes than the teſtator or donor intended.

6. Concerning debts; that creditors went to the pope's clerks, and offered them half the debt, more or leſs, to get the reſt; who preſently cauſed the debtors to be ſummoned, or diſtrained, to anſwer before them.

7. Concerning indiſtinct legacies; though approved by the civil or common law, yet the pope's clerks impiouſly appropriated them to themſelves, contrary to the deſign of the deceaſed[51].

William Teſta, the pope's nuncio, was called before the parliament, ſharply reprimanded for theſe new acts of extortion, and commanded to

[51] Ryley's Placit. Parl. p. 380. M. Weſt. p. 457.

desist from them; and his inferior agents were ordered to be prosecuted with the utmost severity. This noble spirit of the English parliament gave a momentary check to the cruel exactions of the court of Rome; but brought no effectual remedy, as will appear from the sequel of this history. Cent. XIV.

There were but few innovations in the doctrine of the church of England in this period; the minds of the clergy being much more keenly engaged in the pursuits of power and wealth, than in speculative disquisitions. There happened, however, a considerable change in the sentiments of the church in the point of transubstantiation, in the course of the thirteenth century. In the beginning of this century, the doctrine of the church on this subject, as declared by the fourth general Lateran council, was, "That the bread was transubstantiated into "the body of Jesus Christ, and the wine into his "blood[52]." But before the end of the century, the faithful were taught to believe, "That both "the body and blood of our Lord, nay the whole "living and true Christ, was given them at once, "under the species of bread; and that the wine "which was given them at the same time to drink "was not the sacrament, but mere wine[53]." There were not a few changes in the worship and discipline of the church in this period. The number of festivals was considerably increased; bells were tolled at the elevation of the host, to engage the adoration even of those who were without the Innovations in this period.

[52] Du Pin, vol. 11. p. 96. [53] Spel. Conc. vol. 2. p. 320.

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church [54]. In partaking of the euchariſt, ſometimes a cup of wine was given to the laity, though it was declared to be no part of the ſacrament; at other times they were put off with the waſhings of the prieſt's fingers [55]. Confeſſion was more ſtrictly and more generally enjoined than formerly; and none were permitted to communicate who did not give evidence of their having confeſſed [56]. What were called *ipſo facto* or *ipſo jure* ſuſpenſions and deprivations (by which thoſe prieſts who were guilty of certain irregularities and vices were declared to be ſuſpended from their offices, or deprived of their benefices) came firſt into uſe in this period. The firſt example we meet with of ſuſpenſions and deprivations of this kind, is in the Conſtitutions of Otho, the pope's legate, in the ſynod of London, A. D. 1237. By the 15th of theſe conſtitutions it is decreed, That all married prieſts be *ipſo jure* deprived of their benefices; that all their goods, even thoſe which they had gotten with their wives, be applied to the uſe of the church; and that their children be incapable of church-preferments [57]. But this was an obſtinate plague (as they called it), which for ſeveral centuries baffled all the power and cunning of the court of Rome, and required extraordinary methods to drive it out of the church. General excommunications came alſo into uſe in this century, by which all who were guilty of certain vices and crimes, though known only to

54 Spel. Conc. t. 2. p. 330. 55 Johnſon's Can. A. D. 1236—21.
56 Id. ibid. vol. 2. A. D. 1228—1. 57 Id. ibid. A.D. 1237—15.

God

God and their own conſciences, were declared to be excommunicated. Theſe general excommunications were at firſt denounced chiefly againſt ſuch as injured the clergy, by detaining their tithes, defrauding them of any of their dues, or ſtealing any thing belonging to the church. They were to be publiſhed by every pariſh prieſt in his holy veſtments, with bells tolling and candles lighted, before the whole congregation, in the mother-tongue, on Chriſtmas, Eaſter, Pentecoſt, and All-hallows-day [58]. That theſe excommunications might make the greater impreſſion on tender conſciences or timorous natures, they contained the moſt horrible infernal curſes that could be deviſed: "Let them be accurſed eating and drinking; "walking and ſitting; ſpeaking and holding their "peace; waking and ſleeping; rowing and riding; laughing and weeping; in houſe and in "field; on water and on land, in all places. "Curſed by their head and their thoughts; their "eyes and their ears; their tongues and their "lips; their teeth and their throats; their "ſhoulders and their breaſts; their feet and their "legs; their thighs and their inwards. Let them "remain accurſed from the bottom of the foot to "the crown of the head, unleſs they bethink "themſelves, and come to ſatisfaction. And juſt "as this candle is deprived of its preſent light, ſo "let them be deprived of their ſouls in hell [59]."

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[58] Spelman. Con. vol. 2. p. 481.

[59] Wanly's Catalogue.

Cent. XIV. Such was the bitter unchriſtian language of the excommunications of thoſe times!

Exactions of the court of Rome.

But that which is moſt worthy of our attention, or rather of our indignation, in the church-hiſtory of this period, is, the unſatiable avarice, and boundleſs ambition, of the court of Rome. The arts of that court to drain this unhappy kingdom of its treaſure, and fleece both the clergy and laity, were almoſt innumerable. What prodigious ſums of money were yearly carried out of England to Rome,—by pilgrims;—by thoſe who proſecuted appeals, and law-ſuits, before that court;—by prelates who went thither to obtain conſecration, and the confirmation of their elections;—by ſuch as went to ſolicit, or perhaps to purchaſe, church-preferments, which were almoſt all beſtowed by the pope;—by the legates and nuncios who from time to time carried off incredible ſums, raiſed on various pretences;—by the Italians, who poſſeſſed many of the richeſt benefices in England;—by the firſt-fruits of benefices;—by Peter-pence;—by the annual tribute impoſed upon king John and his ſucceſſors, and by ſeveral other means!

Pride of the popes.

The popes, who hypocritically ſtyled themſelves, *the ſervants of the ſervants of the Lord*, pretended to be the univerſal monarchs of the Chriſtian world, both in temporals and ſpirituals, and treated, not only the kings of England, but all the other ſovereigns of Europe, as their vaſſals and ſubjects. Boniface VIII. who flouriſhed towards the end of this period, carried theſe ambitious pretences to the greateſt height, as appears from his famous bull, directed

directed to Philip the Fair, king of France, dated 5th December 1301: "Boniface the biſhop, a "ſervant of the ſervants of God, to Philip king "of France. Fear God, and keep his com- "mandments. We will you to know, that you "are ſubject to us, both in ſpirituals and tem- "porals. You have no right to beſtow benefices "and prebends, &c. &c. We declare them "heretics who believe the contrary[60]." It will be difficult to find in hiſtory ſuch an example of inſolent humility. Cent. XIV.

New orders of monks.

Though this kingdom, and other parts of Chriſtendom, already ſwarmed with monks and nuns of various orders, ſeveral new orders were inſtituted abroad in this period, and ſoon after their inſtitution tranſplanted into England. The moſt conſiderable of theſe new orders were the Franciſcans and Dominicans. The Franciſcan order was founded about the beginning of the thirteenth century by Francis of *Aſſiſy*, from whom they took their name. They were firſt introduced into England A. D. 1216, and ſoon became famous for their pretended ſanctity and real wealth. The Dominican order was founded about the year 1215, by Dominic de Guſman, one of thoſe cruel enthuſiaſts who preached up the croiſade againſt the Albigenſes, by which ſuch multitudes of unhappy people were deſtroyed, for no other crime than rejecting the tyranny, idolatry, and ſuperſtitions, of the church of Rome. The

[60] Du Pin, vol. 12. p. 5.

Cent. XIV. Dominicans were firſt eſtabliſhed at Thouloufe, which was the centre of thoſe pretended heretics they were deſigned to deſtroy; and from thence they ſoon ſpread over all Chriſtendom; and ſettled in England A. D. 1217[61]. This order hath long inherited the ſpirit of its founder, having the direction of the infernal tribunal of the inquiſition, by which ſo many thouſands of good men have been condemned to the flames.

SECTION II.

Hiſtory of Religion in Great Britain, from A. D. 1307, *to* A. D. 1399.

Cent. XIV. Ambition of the pope.

THE conduct of the biſhops of Rome never correſponded very well with the humble title which they aſſumed, viz. *The ſervants of the ſervants of the Lord.* But, in the dark ages we are now delineating, they acted much more like the ſovereigns than the ſervants of the Chriſtian world, and treated the greateſt monarchs as their ſubjects. In the firſt year of the fourteenth century, Boniface VIII. declared, in a bull directed to the king of France,—"That God had eſtabliſhed the pope "ſovereign over all kings and kingdoms, to pluck "up, to deſtroy, to ſcatter, or to build;—that "the king of France ought not to think that he "hath no ſuperior, and is not ſubject to the

[61] Du Pin, vol. 12. p. 157.

"pope;

"pope;—that he who is of that opinion is a fool "and an infidel[1]." Cent. XIV.

Nor was the avarice of the popes of thoſe times inferior to their ambition; and while they inſulted all the ſovereigns who were in communion with them, they plundered their ſubjects, without meaſure and without mercy. In a word, the pride and rapacity to thoſe pretended vicars of the humble Jeſus, were ſo great, that they could hardly be endured by the moſt infatuating ſuperſtition, and excited loud complaints in every Chriſtian country. Their avarice.

In a parliament held at Carliſle in January A. D. 1307, great complaints were made of the tyranny and rapacity of the pope,—in beſtowing many of the beſt benefices in the kingdom by proviſoes on Italians and other foreigners, to the prejudice of the kingdom and of the lawful patrons;—in granting penſions to cardinals out of the revenues of religious houſes;—in demanding the firſt-fruits of vacant benefices, which was a new demand, and very prejudicial to the king and kingdom;—in raiſing the rate of Peter-pence much higher than the original grant;—in ſeizing legacies which had been given to pious uſes, &c. An act was made in conſequence of theſe complaints, prohibiting all theſe encroachments and extortions for the future[2]. But this act was ill executed, and had little or no effect. Act of parliament againſt the exactions of Rome.

[1] Du Pin, Hiſt. Eccleſ. Cent. XIV. chap. [redacted]

[2] Riley's Placita Parliamentaria, p. 379.

Robert

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Primate recalled.

Robert Winchelſey archbiſhop of Canterbury, who had been ſeveral years in exile, was recalled by Edward II. immediately after his acceſſion [3]. But that unfortunate prelate ſoon loſt the favour of the young king, by refuſing to diſpenſe with the canons againſt pluralities and non-reſidence, in favour of the royal chaplains and court-clergy [4].

Knights-templars proſecuted.

The proſecution of the knights-templars, which terminated in the diſſolution of the order, and the execution of many of its members, engaged the attention of all the nations of Europe, for ſeveral years, in the beginning of the fourteenth century. This order, at its inſtitution A. D. 1118, conſiſted only of nine knights, who had their reſidence in a houſe near the Temple (from which they obtained the name of the knights-templars), and engaged in the protection of the Chriſtian pilgrims who viſited Jeruſalem. Many of theſe pilgrims being princes, prelates, barons, and perſons of great wealth, they were very liberal to their protectors; and the knights-templars, by degrees, became numerous and opulent, having many valuable eſtates in every Chriſtian country. Their proſperity corrupted their manners, created them many enemies, and at length brought on their ruin. Two knights, who had been ſeverely puniſhed for their crimes, publicly charged the whole order with the moſt deteſtable enormities. They affirmed particularly,—1. That every knight, at h[illegible]ſſion into the order, was obliged to ab-

[3] Wilkin. Concil. t. 2. p. 290.

[4] Antiq. Britan. p. 209.

jure

jure Jeſus Chriſt, to ſpit upon the crucifix, and to trample it under his feet:—2. That they diſcharged him from all intercourſe with women; but allowed him to commit the ſin of Sodom:—3. That they compelled him to worſhip a wooden head, with a long beard, which was adored by the whole order, in their general aſſemblies. This ſtrange diſcovery made a mighty noiſe, and was very agreeable to the enemies of the order. Philip the Fair, king of France, was the moſt dangerous, becauſe he was the moſt powerful, of their enemies. That prince commanded all the templars in his dominions to be ſeized in one day (October 5, A. D. 1307), and thrown into priſon [s]. Cent. XIV.

Though Clement V. who filled St. Peter's chair at that time, ſeemed, at firſt to be diſpleaſed with the proceedings of the king of France againſt the Templars, he was ſoon prevailed upon, by the proſpect of ſharing in their ſpoils, to imitate his example, and to animate both princes and prelates againſt them, by his bulls. In conſequence of one of theſe bulls, directed to Robert Winchelſey archbiſhop of Canterbury, a provincial ſynod was held at London, in November A. D. 1309, in which the affair of the Templars in England was debated. A great maſs of evidence againſt the Templars, which had been collected by the biſhop of London, and other commiſſioners appointed by the pope to examine thoſe of that order in England, was laid before this ſynod. Upon the force of th... ...ce, Synod of London.

[s] Du Pin, Hiſt. Eccleſ. Cent. XIV. ch. 2.

long

Cent. XIV. long and warm debates enſued, and at length the following ſentence was pronounced: "That the "Templars in London ſhould be ſeparated from "one another, and examined again concerning the "crimes objected to them, and that new interro- "gatories ſhould be put to them, that if poſſible "ſome truth might be extracted from them by "their own confeſſions: that the ſame thing "ſhould be done to the Templars confined at "Lincoln: that if by theſe ſeparations and inter- "rogatories they confeſſed nothing more than they "had done before, they ſhould then be put to the "rack; but without mutilation, or the too violent "effuſion of blood. That the biſhops of London "and Cheſter, with the other commiſſioners, "ſhould acquaint the archbiſhop when all this was "done, that he might re-aſſemble the ſynod [6]." The execution of this curious ſentence took up a good deal of time: for the ſynod was not re-aſſembled till the feaſt of the exaltation of the holy croſs, A. D. 1311. At that meeting, all the Templars who had been ſeized and brought to London appeared before the ſynod, and publickly confeſſed, "—That they had been accuſed of ſo many "articles of hereſy, that they could not legally "exculpate themſelves; and therefore they prayed "for the mercy of God and of the church; and "were ready to receive and perform whatever "penances ſhould be enjoined them." Upon hearing this, the ſynod decreed.—"That they ſhould,

[6] Wilkin, Concil. tom. 2. p. 314.

"s be ſeparated from one another, and ſent to the Cent. XIV.
" different monaſteries of England, to perform the
" penances which ſhould be enjoined them, until
" the holy ſee, in a general council, ſhould
" finally determine concerning their ſtate and
" order [7]."

A general council, conſiſting of about 300 archbiſhops and biſhops, met at Vienne in Dauphiny, October 16, A. D. 1311. The chief intention of calling this council was, to determine the fate of the Templars, and to diſpoſe of their great eſtates. After long deliberation, a ſolemn ſeſſion of the council was held, May 22, A. D. 1312, in which pope Clement V. preſided in perſon, and at which the king of France, the capital enemy of the Templars was preſent. In this ſeſſion the final ſentence againſt the Templars was pronounced with great ſolemnity, diſſolving that order, and beſtowing all its riches on the knights-hoſpitallers. But the ſentence itſelf contains ſufficient evidence, that thoſe who pronounced it were conſcious of its ſeverity, or rather of its injuſtice. For the pope, in his bull of condemnation, declared, " That though it could not be done according to " the uſual rules and forms of juſtice, yet he " diſſolved the order of the Templars by the pleni- " tude of his power [8]." Thus fell the famous order of the knights-templars, after it had flouriſhed almoſt two centuries, and had attained a great Order of Templars diſſolved.

[7] Wilkin, Concil. tom. 2. p. 314.
[8] Du Pin, Cent. XIV. ch. 2. Walſing. Hiſt. Angl. an. 1312.

degree

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degree of proſperity and wealth. That many of its members were diſſolute in their manners, is not improbable; but that an order of knights inſtituted for fighting in defence of Chriſtianity, ſhould make the renouncing of Chriſt, with every mark of contempt, the capital ceremony of their admiſſion, is altogether incredible.

The Engliſh clergy complain of grievances.

From the time that William the Conqueror ſeparated the eccleſiaſtical from the civil juriſdiction, there had been continual diſputes between the eccleſiaſtical and civil courts, about the limits of their authority. Many attempts had been made to terminate theſe diſputes, by regulating the boundaries of the different juriſdictions. But this was found to be a very difficult taſk, on account of the mixed nature of many actions, which gave both the ſpiritual and temporal courts a claim to take cognizance of them. Theſe diſputes therefore ſtill continued: and loud complaints were made, in the council of London above mentioned, of the encroachments of the civil upon the eccleſiaſtical courts. A long catalogue of theſe encroachments, which were called grievances, was drawn up by the council, and preſented to the king in parliament, with an earneſt ſupplication for redreſs. This curious catalogue is far too long to be here inſerted; but the following article will ſerve to give us ſome idea of what the clergy eſteemed grievances in this period.—"*Item*, "When clergymen are apprehended on ſuſpicion "of a crime, by the civil officers, they are not "immediately delivered up to their biſhops upon "demand,

"demand, as of right they ought to be, but are "long kept in prison, contrary to the liberties of "the church and clergy." To the several articles in this long list of grievances, the king, by the advice of his parliament, returned very artful and evasive answers [9]. Cent. XIV.

The pope, at the same time, directed a bull to the archbishop of Canterbury against the grievances of the English clergy, desiring, or rather commanding, the king (to whom the bull was to be communicated) to redress these grievances, in order to preserve himself and his kingdom from total destruction. In this bull, his holiness complains bitterly, "That clerks invested with the "sacerdotal character, and shining with the "splendour of pontifical dignity, were tried by "laymen, condemned, and hanged, when found "guilty of murder or robbery, to the great pro-"vocation of the supreme King, who hath for-"bidden the secular power to touch his anointed [10]." In so shocking a manner did this pretended vicar of Christ on earth pervert and misapply the word of God! Pope's bull on that subject.

Robert Winchelsey, archbishop of Canterbury, died May 11, A. D. 1313, in the twentieth year of his primacy. He is said to have been a prelate of great piety, an excellent grammarian, philosopher and divine; an affecting and popular preacher. The high notions which he entertained of the immunities of the clergy involved him in Archbishop Winchelsey's death and character.

9 Wilkin, Concil. tom. 2. p. 314—322. 10 Id. ibid. p. 323.

many

Cent. XIV. many troubles; which he ſuſtained with uncommon fortitude [11].

Reynolds archbiſhop of Canterbury.

The monks of Canterbury elected Thomas Cobbeham dean of Saliſbury, who was commonly called *the good clergyman*, to be their archbiſhop. But the pope, at the requeſt of Edward II. vacated this election, and, in the plenitude of his apoſtolic power, appointed Walter Reynolds biſhop of Worceſter to be primate, on the 1ſt day of October A. D. 1313 [12].

Extraordinary powers granted by the pope.

Archbiſhop Reynolds appears to have been a great favourite of the reigning pope, Clement V. who not only raiſed him to the primacy, but granted him ſeveral extraordinary powers by his bulls. By one of theſe bulls he gave him authority to viſit the ſeveral dioceſes in his province by proxy; by another he authoriſed him to abſolve one hundred perſons who lay under the ſentences of excommunication and interdict; and by others he empowered him,—to relax all who heard him preach, or ſay maſs, from one hundred days penances;—to beſtow holy orders on one hundred baſtards;—to allow twelve clerks under age to enjoy benefices, with cure of ſouls;—to diſpenſe with the canons of the church againſt pluralities in favour of forty clergymen, &c. [13]. In this manner, the popes of thoſe times not only claimed a right to diſpenſe with all the laws of the church them-

11 Anglia Sacra, tom. 1. p. 11.—17.
12 Id. ibid. p. 18.
13 Wilkin, Concil. tom. 2. p. 433—444.

ſelves,

ſelves, but even to delegate this diſpenſing power to others. Cent. XIV.

Statute called articuli cleri.

The diſputes between the temporal and ſpiritual courts, about the limits of their ſeveral juriſdictions, ſtill continuing, a remarkable ſtatute, commonly called *articuli cleri*, was made, A. D. 1316, for terminating theſe diſputes. As this ſtatute was procured by the clergy, at a time when their aſſiſtance was much needed, it was very favourable to their ſhameful and exorbitant claims of exemption from civil authority. By the laſt chapter it is granted,—that when clerks confeſs before temporal judges their heinous offences, as theft, robbery, and murder, they cannot be judged or condemned by theſe temporal judges upon their own confeſſion, without violating the privilege of the church; and that the privilege of the church being demanded in due form by the ordinary, ſhall not be denied [14].

Adam de Orleton pleads the ſtatute.

It was not long before one of the biſhops had occaſion to plead this ſtatute, and was protected by it from the puniſhment due to his crimes. This was Adam de Orleton, biſhop of Hereford, a factious and martial prelate, who had appeared in arms with the rebellious barons defeated at Burrow-bridge A. D. 1321. Being accuſed of high treaſon before the houſe of peers, in the parliament which met at Weſtminſter in Lent A. D. 1324, he pleaded his privilege as a clerk, not to be tried by laymen; and being ſupported in this plea by

[14] Coke's Inſtitut. Part 2. p. 601, &c.

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the other biſhops, it was admitted [15]. The king, ſome time after, attempted to bring him to a trial in the court of king's bench, for the ſame crime; but the three archbiſhops of Canterbury, York, and Dublin, came into court with their croſſes borne before them, and carried him from the bar in triumph [16]. The biſhop of Hereford ſoon after completed his treaſonable practices, by joining with the queen and Mortimer in accompliſhing the deſtruction of his unhappy ſovereign.

The citizens of London murder the biſhop of Exeter.

The citizens of London did not pay ſo great regard to the privileges of the clergy, as the laws and courts of juſtice. Having embraced, with the moſt ardent zeal, the party of the queen and Mortimer, they ſeized the brave, learned, and loyal biſhop of Exeter, Walter Stapleton, ſtripped him naked, loaded him with indignities, and at laſt cut off his head in Cheapſide [17].

Simon Mepham primate.

Walter Reynolds archbiſhop of Canterbury died November 15, A.D. 1327, and was ſucceeded in that very important ſtation by Simon Mepham [18]. This primate had a long and warm conteſt with the monks of St. Auguſtine at Canterbury, who pleaded a papal exemption from his authority. In the courſe of this conteſt, ſome of the archbiſhop's ſervants beat and wounded two of the monks, and a notary, who had come to ſummon their maſter to appear before Icherius de Concoret canon of Saliſbury, who had been commiſſioned by the pope

[15] T. Walſing. Hiſt. Ang. p. 115. [16] Id. p. 119.
[17] Id. p. 124. [18] Anglia Sacra, tom. 1. p. 18. 115.

to

to examine and determine this controverſy. This inſult was ſo highly reſented by the pope and his commiſſioner, that the primate was obliged to ſwear on the goſpels,—That he had given no orders to his ſervants;—that he execrated what they had done;—that he had turned them all out of his ſervice, and would never receive any of them into it again. He was alſo obliged to bring thirty other witneſſes to corroborate his own teſtimony. Icherius, after he had thus humbled the archbiſhop, pronounced a definitive ſentence againſt him, and condemned him to pay no leſs than one thouſand two hundred and forty-one pounds to the convent for their expences [19]. In this manner did the popes of thoſe times, and their meaneſt agents, trample upon the greateſt prelates, when they preſumed to diſpute their moſt arbitrary mandates. Cent. XIV.

Archbiſhop Mepham celebrated ſeveral provincial councils, particularly one at St. Paul's, London, in February A. D. 1328, and another at Magfield in July A. D. 1332. In the laſt of theſe councils, the number of the great feſtivals to be obſerved in the church of England was aſcertained, and the manner preſcribed in which they were to be kept [20]. Councils.

This primate appears to have been very diligent in diſcharging the duties of his office. He viſited the dioceſes of Rocheſter, Chicheſter, Saliſbury, and Bath and Wells; but when he at- His diſpute with the biſhop of Exeter, and death

[19] Chron. W. Thorn. col. 2039—2051.
[20] Wilkin. Council. t. 2. p. 560.

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tempted to viſit that of Exeter, he met with a very bold opponent. This was John Grandiſon, biſhop of that ſee, who diſputed the primate's right of viſitation, and appealed to the pope [21]. The archbiſhop, diſregarding this appeal, proceeded in his viſitation. But when he arrived at the confines of the dioceſe of Exeter, he found the biſhop, with a numerous body of armed men, ready to diſpute his entrance. This affront, together with the chagrin which his unfortunate conteſt with the monks of Canterbury had given him, had an ill effect upon his health; and he died at Magfield October 12, A. D. 1333, after he had filled the archiepiſcopal chair about five years and ſix months [22]. His body was for ſome time denied burial, until the abbot and monks of St. Auguſtine granted him their abſolution; by which the hiſtorian probably means, a diſcharge of the debt which he owed them [23].

Stratford primate, his great power.

John Stratford, biſhop of Wincheſter, was, by the intereſt of Edward III. at the court of Rome, tranſlated to Canterbury. This prelate had been much engaged in ſecular affairs before his promotion to the primacy, and was ſtill more engaged in them after that promotion [24]. For, being at the ſame time archbiſhop, chancellor, and prime miniſter to the young king, he had the chief direction of all the civil and eccleſiaſtical affairs of the kingdom. Even the monks of St. Auguſtine, though

21 Wilkin. Concil. t. 2. p. 559.
22 Anglia Sacra, tom. 1. p. 18.
23 W. Thorn. col. 2066.
24 Anglia Sacra, tom. 1. p. 20.

greatly

greatly elated with the complete victory which they had obtained over his predeceſſor, were glad to compromiſe all diſputes with the new primate on his own terms, and to give up the final ſentence which they had obtained in their favour [25]. Cent. XIV.

Archbiſhop Stratford did not long enjoy this high degree of power and royal favour. Having failed in his endeavours to bring about a peace between France and England, he is ſaid to have adviſed king Edward to proſecute his claim to the crown of France, by invading that kingdom with a powerful army, promiſing to provide money in England for defraying all the expences of the war. His advice was taken; but he did not fulfil his promiſe; which obliged Edward to make a truce with the king of France, and diſband his army, after he had contracted a great load of debt. The king, on his return to England, November 30, A. D. 1340, expreſſed the moſt violent reſentment againſt the archbiſhop, to whoſe negligence or infidelity, in not ſending him money, according to his promiſe, he aſcribed all his diſappointments. He immediately deprived him of all his ſecular employments, impriſoned his chief confidants, and would have ſeized his perſon, if he had not made his eſcape from Lambeth. To render him as odious to his ſubjects as he was to himſelf, Edward publiſhed a long manifeſto, in which he accuſed him of pride, ingratitude, negligence, treachery, and various other crimes. But though the pri- The primate quarrels with the king.

[25] W. Thorn. col. 2069.

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mate had thus loſt his power, and the favour of his prince, his ſpirit remained undaunted. He publiſhed a long anſwer to the royal manifeſto, which he ſtyled a *defamatory libel*, and denied all the facts aſſerted in it, in the moſt direct terms. He mounted his pulpit in the cathedral of Canterbury, and harangued the clergy and people in praiſe of his predeceſſor Thomas Becket; and at the concluſion of his ſermon, pronounced a ſentence of excommunication againſt all who diſturbed the peace of the church,—who incenſed the laity againſt the clergy,—who did any injury to archbiſhops or biſhops, their ſpiritual fathers, the ambaſſadors of Chriſt, and pillars of the church [26].

The king and primate reconciled.

After this quarrel between the king and primate had raged with great violence for ſeveral months, interrupting all the public buſineſs of the nation, a ſeeming reconciliation was patched up, with much difficulty, by the interpoſition of ſome great men. All preliminaries being ſettled, the primate came into the painted chamber, where both houſes of parliament were aſſembled, April 19, A. D. 1341, and kneeling before the king, who was ſeated on the throne, implored his pardon and favour; which was immediately granted, at the interceſſion of the lords and commons.

The primate, after his reconciliation with the king, kept himſelf for the moſt part within the ſphere of his own profeſſion. He publiſhed, at Lambeth, A. D. 1342, certain ſtatutes and conſti-

[26] Anglia Sacra, tom. 1. p. 19—39.

tutions

tutions for regulating the proceedings in the archbiſhop's court, commonly called *the court of arches*, from the place where it was held [27]. In the courſe of the ſame year, he celebrated two provincial councils at London, in which ſeveral canons were made; but they contain very little that is either new or remarkable [28]. Cent. XIV.

Remonſtrance againſt papal proviſions, &c.

The pope ſtill continuing to encroach upon the rights of the crown, and of other patrons, by reſervations and proviſions [29], king Edward wrote a very ſtrong remonſtrance to his holineſs againſt theſe practices; in which, amongſt other things, he repreſented, "That by theſe proviſions and "reſervations, the encouragements of religion "were beſtowed upon unqualified mercenary fo-"reigners, who neither reſided in the country, "nor underſtood its language; by which means "the ends of the prieſthood were not anſwered, "his own ſubjects were diſcouraged from proſe-"cuting their ſtudies, the treaſures of the king-"dom were carried off by ſtrangers, the juriſdic-"tion of its courts baffled by conſtant appeals to "a foreign authority, and both the crown and "private patrons were deprived of their moſt un-"queſtionable rights. Theſe miſchiefs (adds he) "are now become intolerable; and our ſubjects "in parliament have earneſtly requeſted us to put

[27] Wilkin. Concil. tom. 2. p. 681. [28] Id. ibid. p. 696. 702.

[29] By reſervations, the pope reſerved to himſelf the next preſentation to any benefices he pleaſed; by proviſions, he appointed the perſons to whom they were granted to ſucceed the preſent incumbents.

Cent. XIV. "ſtop to them by ſome ſpeedy and effectual re-"medy [30]." But this moſt reaſonable remonſtrance had little or no effect.

Death of archbiſhop Stratford. The wars with France and Scotland ſo much engroſſed the attention of king Edward, and his ſubjects of all conditions, that few eccleſiaſtical tranſactions of importance occurred in the five laſt years of archbiſhop Stratford's primacy. That prelate died on the vigil of St. Bartholomew, Auguſt 23, A. D. 1348, at Magfield, in the fourteenth year of his government of the church of England [31].

Ufford primate. Thoſe diſputes between the crown, the canons of Chriſtchurch, and the biſhops of the province, which broke out almoſt on every vacancy of the ſee of Canterbury, were attended with very pernicious conſequences. One of the worſt of theſe conſequences was, that the contending parties frequently appealed to Rome, which greatly increaſed the authority of that court, and afforded a ſpecious pretence for its moſt ambitious claims. On the preſent occaſion the canons having elected Thomas Bradwardin to be their archbiſhop, the king, who deſigned that high ſtation for another, immediately applied to the pope; and, notwithſtanding his late ſtrong remonſtrance againſt papal proviſions, entreated his holineſs to raiſe John Ufford, dean of Lincoln, to the ſee of Canterbury, by way of proviſion. This application was too agreeable to be unſucceſsful. The pope, in the plenitude of his

[30] T. Walſing. p. 161. [31] Anglia Sacra, tom. 1. p. 41.

power,

power, promoted Ufford to the primacy of the church of England; but that prelate died June 7, A. D. 1349, without having received conſecration[32]. Cent. XIV.

A moſt deſtructive peſtilence raged about this time in England, as well as in ſeveral other countries, and ſwept away ſo many of the clergy, that none could be found to perform divine ſervice in many churches. "Before this plague (ſays "Knyghton) you might have hired a curate for "four or five marks a-year, or for two marks "and his board; but after it you could hardly "find a clergyman who would accept of a vi-"carage of twenty marks or twenty pounds a-year[33]." Great plague.

King Edward no longer oppoſing the promotion of his confeſſor Thomas Bradwardin, he was elected by the canons of Canterbury, immediately after the death of archbiſhop Ufford, and conſecrated at Avignon, where the pope then reſided, on the vigil of the feaſt of St. Margaret. At the conſecration feaſt, cardinal Hugh, one of the pope's nephews, attempted to turn the new archbiſhop (who was remarkable for the humility of his appearance) into ridicule, by introducing into the hall a perſon dreſſed like a peaſant, and riding on an aſs, who preſented a petition to the pope to make him archbiſhop of Canterbury. But this unpolite unſeaſonable piece of wit was not reliſhed by the pope and cardinals, who thought it im- Bradwardin primate.

[32] Anglia Sacra, tom. 1. p. 42. [33] Hen. Knyghton, col. 2600.

prudent

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prudent to affront a people from whom they derived ſo many benefits. Archbiſhop Bradwardin did not long ſurvive his conſecration, dying at Lambeth, Auguſt 26, A. D. 1349, only ſeven days after his return to England[34]. Thus there were no fewer than three vacancies of the ſee of Canterbury in one year.

Archbiſhop Iſlep's conſtitutions.

Simon Iſlep, keeper of the privy ſeal, ſucceeded archbiſhop Bradwardin, and was conſecrated at St. Paul's December 20, A. D. 1349. This primate proved a ſtrict diſciplinarian in ſpirituals, and a rigid exactor of the temporal emoluments of his ſee. In his primary viſitation of his province, he deprived ſeveral clergymen for their irregularities, and excited very ſtrong apprehenſions in ſome of the ſuffragans[35]. His famous conſtitution, publiſhed at Lambeth in March A. D. 1351, breathes the ſame ſpirit of ſtrictneſs in diſcipline. By that conſtitution it is decreed, that clerks who have been delivered up by the temporal judges to their ordinaries, and by them condemned to perpetual impriſonment for their crimes, ſhall receive only bread and water once a-day, on Wedneſdays, Fridays, and Saturdays; and bread and ſmall beer on Mondays, Tueſdays, and Thurſdays; and bread, beer, and pulſe, on Sundays, for the honour of the day[36]. This conſtitution was made in conſequence of the ſtrong remonſtrances of the king and temporal lords in parliament, who complained

34 Anglia Sacra, tom. 1. p. 42, 43.
35 Id. ibid. p. 43.
36 Spelman. Concil. tom. 2. p. 597.

that

that the clergy grofsly abuſed their immunities; particularly, that when a clerk had been found guilty of a capital crime, and condemned to perpetual impriſonment by his ordinary, he was either allowed to make his eſcape, or to live in riot and luxury in the biſhop's priſon[37]. This primate publiſhed another conſtitution, A. D. 1359, forbidding courts, fairs, and markets to be kept on Sundays, and commanding all perſons to go to their pariſh-churches on that day, to aſk pardon for their offences, and to make amends for all the omiſſions and commiſſions of the preceding week[38]. By another conſtitution, publiſhed A. D. 1362, he commands all Chriſtians to keep all the ſaints' days with great devotion, that they might deſerve the interceſſion of theſe ſaints with Almighty God. The late peſtilence having occaſioned a great ſcarcity of clergymen, thoſe who remained demanded exceſſive ſalaries for ſerving the cure in churches. To remedy this evil, archbiſhop Iſlep publiſhed a conſtitution, in which, after reproaching the clergy in very ſtrong terms for their covetouſneſs and other vices, he forbids any rector to give, or any curate to demand, more than one mark a-year above what had been given to the curate of that church before the plague[39]. Cent. XIV.

The pope ſtill continuing to encroach upon the rights of the crown and of private of patrons, and to diſpoſe of all the moſt valuable benefices, in the Statute of proviſors.

37 Spelman. Concil. tom. 2. p. 597. 38 Id. ibid. p. 599.
39 Johnſon's Canons, A. D. 1362.

church,

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church, by his proviſions and reſervations; the ſecond ſtatute of proviſors was made to put a ſtop to theſe encroachments. By this ſtatute it was enacted,—"That if any perſon ſhall procure re- "ſervations or proviſions from the pope, in diſ- "turbance of free elections, or of the preſentees "of the king, or other patrons, that then the ſaid "proviſors, their procurators and notaries, ſhall "be apprehended, and brought to anſwer; and "in caſe they are convicted, they ſhall be kept in "priſon till they have made fine and ranſom to the "king at his will, and have ſatisfied the party ag- "grieved, by paying his damages [40]."

Statute of premunire.

But theſe papal proviſions and reſervations were not the only ground of complaint which the people of England had, at this time, againſt the court of Rome. The frequency of appeals to that court was, if poſſible, a ſtill more vexatious and expenſive grievance. To confine this intolerable evil within ſome limits, the ſtatute of premunire was contrived. By that ſtatute it is enacted, "That all people of the king's legiance, who "ſhall draw any out of the realm in a plea, "whereof the cognizance pertains to the king's "court, or of things whereof judgments are "given in the king's court, ſhall have two months "warning given them to appear in the king's "courts to anſwer the contempt; and if they do "not appear in their proper perſons to be at the "law within the time appointed, they, their pro-

[40] See Statutes at Large, p. 251 Ed. III.

"curators,

"curators, &c. ſhall from that day forth be put "out of the king's protection, and their lands, "goods, and chattels, ſhall be forfeited to the "king, and their bodies impriſoned, and ran-"ſomed at the king's will[41]." But no ſtatutes could put a period to the miſchiefs which England ſuffered from its connection with the court of Rome, till that connection was happily diſſolved. Cent. XIV.

An event happened during the primacy of archbiſhop Iſlep, which may give us ſome idea of the power of the clergy in the times we are now conſidering, and therefore merits a place in hiſtory. Robert lord Morley, one of the moſt powerful barons of the kingdom, committed ſome treſpaſſes in a park belonging to William Bateman, biſhop of Norwich. For theſe the biſhop proſecuted him with ſo much vigour, that, in ſpite of all his own power, and of the moſt earneſt interpoſition of the king in his favour, he was obliged to ſubmit to the following ignominious penance:—To walk in his waiſtcoat, bare-headed and bare-foot, with a wax-candle, weighing ſix pounds, lighted in his hand, through the ſtreets of Norwich, to the cathedral; and there, in the preſence of a prodigious concourſe of people, to beg the biſhop's pardon in the moſt humble poſture and language[42]. Power of the clergy.

But though the power of the clergy, at this time was almoſt irreſiſtible, when it was conducted with prudence and temper; yet when it was exerciſed with violence and paſſion, it was ſometimes baffled.

[41] Statutes at Large. [42] Anglia Sacra, t. 1. p. 415.

Of

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Of this the famous diſpute between lady Blanch, baroneſs Wake, and Thomas de Lylde, biſhop of Ely, affords a moſt remarkable example. In the beginning of this diſpute (the particulars of which are too many to be here inſerted), that prelate appears to have had right on his ſide; but in the progreſs of it, he acted with ſuch intolerable inſolence, pride, and paſſion, that he became univerſally odious, was deprived of the temporalities of his ſee, obliged to fly out of the kingdom, and at laſt died of a broken heart, in a foreign land, A. D. 1361 [43].

Seven ſees vacant.

A moſt deſtructive peſtilence raged in England, and ſeveral other countries, A. D. 1360; and in that year no fewer than ſeven Engliſh biſhoprics became vacant, which were all filled by papal proviſions [44]. So little effect had the ſtatute of proviſors, which had been made againſt that encroachment of the pope, only ten years before.

Death of Simon Iſlep, and ſucceſſion of Simon Langham.

Simon Iſlep, archbiſhop of Canterbury, did not very long ſurvive this great mortality amongſt his brethren. For, having languiſhed about three years under a paralytic diſorder, he expired, at Magfield, April 16, A. D. 1366 [45]. The pope, at this time, ſeems to have taken a pride in diſplaying his contempt of the laws which had been made in England againſt his proviſions, by filling every ſee that became vacant in that manner. Though the chapter of Canterbury had choſen

43 Anglia Sacra, t. 1. p. 652. 44 Id. ibid. p. 45.
45 Id. ibid. p. 46.

William

William Edyndon, biſhop of Wincheſter, to be archbiſhop, the pope granted a proviſion to that important ſtation to Simon Langham biſhop of Ely, and chancellor of England, who was admitted into it without any oppoſition[46]. Cent. XIV.

The tranſlation of this prelate gave as much pleaſure to the dioceſe of Ely, as it gave diſguſt to that of Canterbury. This appears from the following rhyming Latin verſes made on that occaſion: Verſes.

Exultant cœli, quia Simon tranſit ab Ely,
Ad cujus adventum, flent in Kent millia centum 47.

Archbiſhop Langham had not much comfort in his promotion, and did not enjoy it long. The pope raiſed him to the dignity of a cardinal; and he imprudently accepted of that dignity without conſulting the king; who was ſo much offended at his preſumption, that he ſeized the temporalities of his ſee. Being much diſpirited by the king's diſpleaſure, he reſigned his archbiſhopric November 28, A. D. 1368, and retired to Avignon, where he died A. D. 1378[48]. Archbiſhop Langham's reſignation.

On the reſignation of archbiſhop Langham, William Wittleſey, biſhop of London, was promoted to the primacy by a papal proviſion. About this time almoſt all the great places of power and profit in the kingdom were filled by clergymen; which gave ſo much umbrage to the commons, as Wittleſey primate.

46 Anglia Sacra, t. 1. p. 46.
47 Id. ibid. p. 47.
48 Id. ibid. p. 47, 48. 120.

Cent. XIV. well as temporal lords, that they preſented a petition to the king, in a parliament held at Weſtminſter A. D. 1371, repreſenting, "That the "government of the kingdom had for a long time "been managed by men of the church, whereby "many miſchiefs and damages had happened in "time heretofore, to the diſheriſon of the crown, "and to the great prejudice of the kingdom;"— and praying,—"That it would therefore pleaſe the "king, that laymen, and no others, might for "the future, be made chancellor, treaſurer, clerk "of the privy ſeal, barons of the exchequer, "comptroller, or other great officers and governors "of the kingdom." But to this petition the king returned the following anſwer, which implied a refuſal: "He would do in this point what ſeemed "beſt to him by advice of his council [49]."

King's writs to the biſhops.

All the applications that had been made to the court of Rome, and all the laws that had been enacted in England againſt the papal proviſions and reſervations, had produced little or no effect. The pope ſtill continued to beſtow many of the beſt benefices of the kingdom upon foreigners by his proviſions, with as little ceremony as if no ſuch applications had been made, and no ſuch laws had exiſted. In order to know the full extent of this grievance, the king ſent his writs to all the biſhops, A. D. 1374, requiring them to return certificates into chancery of all the benefices in their reſpective

[49] Parliamentary Hiſt. vol. 1. p. 309, 310.

dioceſes

dioceſes that were in the poſſeſſion of Italians, and other foreigners [50]. Cent. XIV.

Archbiſhop Whittleſey, after a very tedious illneſs, died in ſummer A. D. 1374 [51]. Soon after his death, the monks of Canterbury re-elected their former archbiſhop, cardinal Langham, who was ſtill alive, and reſided at Avignon [52]. The king, greatly offended at this choice, applied to the pope; who, at his requeſt, tranſlated Simon Sudbury from the ſee of London to that of Canterbury, by a bull, dated 11th May A. D. 1375 [53]. By ſuch imprudent applications to the court of Rome, in conſequence of diſputes at home, the power of the pope was confirmed, and all attempts to diminiſh it were defeated. Simon Sudbury primate.

It was probably from the information they had received from the returns of the biſhops to the above-mentioned writs, that the Commons in parliament, A. D. 1376, preſented a very ſtrong remonſtrance to the king, againſt the intolerable extortions of the court of Rome. In this remonſtrance it is affirmed, though it muſt be confeſſed it is hardly credible, "That the taxes paid to the "pope yearly, out of England, amounted to five "times as much as the taxes paid to the king [54]." Extortions of the pope.

The inſatiable avarice, and inſupportable tyranny, of the court of Rome, had given ſuch univerſal diſguſt, that a bold attack made about this time on the authority of that court, and doctrines of that John Wickliff attempts a reformation of the church.

50 Fox's Acts and Monuments. 51 Anglia Sacra, tom. 2. p. 120.
52 Id. ibid. 53 Id. ibid. 54 Cotton's Abridg. p. 128.

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church, was, at firſt more ſucceſsful than could have been expected, in that dark ſuperſtitious age. This attack was made by the famous Dr. John Wickliff, who was one of the beſt and moſt learned men of the age in which he flouriſhed. His reputation for learning, piety, and virtue, was ſo great, that archbiſhop Iſlep appointed him the firſt warden of Canterbury college in Oxford, A. D. 1365[55]. His lectures in divinity which he read in that univerſity were much admired, though in theſe lectures he treated the clergy, and particularly the mendicant friars, with no little freedom and ſeverity. A diſcourſe which he publiſhed againſt the pope's demand of homage and tribute from Edward III. for the kingdom of England, recommended him ſo much to that prince, that he beſtowed upon him ſeveral benefices, and employed him in ſeveral embaſſies[56]. In one of theſe embaſſies to the court of Rome, A. D. 1374, he diſcovered ſo many of the corruptions of that court, and of the errors of that church, that he became more bold and more ſevere in his cenſures of thoſe errors and corruptions. He even proceeded ſo far, as to call the pope antichriſt, to deny his ſupremacy, and to expoſe his intolerable tyranny and extortions in the ſtrongeſt colours. This, as might naturally have been expected, drew upon him the indignation of his holineſs, and involved him in various troubles. Pope Gregory XI. pub-

55 Collier's Church Hiſt. App. No 47.

56 Biographia Britannica, p. 4260.

liſhed

liſhed ſeveral thundering bulls againſt him, A. D. 1377, commanding him to be ſeized, impriſoned, and brought to trial, for his damnable hereſies [57]. The affection of the people, and the favour of the court, protected him from impriſonment; but he found it neceſſary to appear before Simon Sudbury archbiſhop of Canterbury, and William Courtney biſhop of London, who had been appointed his judges by the pope. At this appearance he had the honour to be accompanied by two of the greateſt men in the kingdom, John of Gaunt duke of Lancaſter, and Lord Henry Percy marſhal of England. Theſe two lords demanded a chair for Dr. Wickliff; which being denied by the biſhop of London, ſome very angry words paſſed between that prelate and the duke of Lancaſter; which excited ſo violent a tumult in the court, that it broke up in great confuſion, without doing any buſineſs. Dr. Wickliff made a ſecond appearance before the papal commiſſioners at Lambeth, where he was attended by ſo great a body of the citizens of London, that his judges were deterred from pronouncing any ſentence againſt him; and their commiſſion ſoon after terminated by the death of the pope, March 27, A. D. 1378 [58]. Cent. XIV.

It is very difficult to diſcover, with certainty and preciſion, what were the real ſentiments, in ſome particulars, of this illuſtrious champion of truth and liberty, againſt the errors and tyranny of the church of Rome; becauſe he ſeems, in ſome His doctrines.

[57] Walſing. p. 201—204. [58] Id. p. 205.

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things, to have changed his mind; and becauſe certain tenets were imputed to him by his adverſaries which he did not hold. It is not poſſible, for example, to believe that ſo wiſe and good a man as Wickliff could maintain ſo impious an abſurdity as this, "That God ought to obey the "devil;" and yet this was imputed to him by his enemies [59]. Upon the whole, it very plainly appears from his writings, that the doctrines which he taught were very nearly the ſame with thoſe which were propagated by our more ſucceſsful reformers in the ſixteenth century.

Council of London under archbiſhop Courtney.

The proſecution againſt Dr. Wickliff was ſuſpended for ſome time, by the ſchiſm in the papacy which ſucceeded the death of Gregory XI. and by the inſurrection of the commons in England, which threw all things into confuſion. In this tumult, archbiſhop Sudbury, one of his moſt zealous adverſaries, was beheaded by the inſurgents on Tower-hill, June 14, A. D. 1381. William Courtney, biſhop of London, was promoted to the primacy by a bull of pope Urban VI. (who had been acknowledged in England to be the lawful pope), dated the 8th September the ſame year [60]. As ſoon as the inſurrection of the commons was quelled, and the public tranquillity reſtored, the new primate applied with great zeal to the ſuppreſſion of the heretical opinions (as he eſteemed them) which were propagated by Wickliff and his followers. With this view, he aſſembled a council

59 Hen. Knyghton, col. 2648. 60 Anglia Sacra, t. 2. p. 121.

of

of the biſhops of his province, and many doctors of divinity, and of the civil and canon law, in the priory of the preaching friars, London, May 17, A. D. 1382. Before this council he laid twenty-four opinions, extracted from the writings of Wickliff, for their examination; and the council unanimouſly declared ten of theſe opinions heretical, and fourteen of them erroneous. Several ſuſpected perſons were then brought before the council, particularly Nicolas Hereford and Philip Rapyngdon, doctors in divinity, and John Ayſhton, A. M. and commanded to declare their ſentiments of theſe opinions. Their declarations appearing to the council evaſive and unſatisfactory, they were pronounced to be convicted of hereſy [61]. The ancient hiſtorian Henry Knyghton relates, that Dr. Wickliff was brought before this council, and that he made a kind of recantation of his heretical opinions [62]. But as nothing of this appears in the record, it is probably a miſtake, if not a calumny. On the day after the concluſion of this council, there was a ſolemn proceſſion in London; after which Dr. Kinygham, a Carmelite friar, preached to the people, and publiſhed the doctrines which had been condemned; declaring, That all perſons who taught, favoured, or believed, any of theſe doctrines, were excommunicated heretics [63]. To give the greater weight to the decrees of this council, the clergy prevailed upon the king to publiſh

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[61] Spelman Concil. tom. 2. p. 629—636.
[62] H. Knyghton. col. 2649. [63] Id. col. 2652.

Cent. XIV. a proclamation, July 12, authoriſing and commanding the biſhops to ſeize and impriſon all perſons who are ſuſpected of holding any of the doctrines which had been condemned [64].

The doctrines of Wickliff had for ſome years made a mighty noiſe in the univerſity of Oxford, where they were firſt publiſhed, and where they had many violent oppoſers, and many zealous advocates. Dr. Berton, who was chancellor of the univerſity A. D. 1381, and Dr. Stokes, were at the head of the former, and Dr. Hereford and Dr. Rapyngdon at the head of the latter. The archbiſhop of Canterbury ſent the decrees of his late council to Oxford, commanding Dr. Stokes to publiſh them at St. Frideſwyde's church, on Corpus-Chriſti day; and Dr. Rigge, the chancellor of the univerſity, to aſſiſt and protect him in performing that office. Dr. Philip Rapyngdon had been appointed to preach at that church on that day, and declaimed with great vehemence againſt the corruptions of the church, and in defence of the doctrines of Wickliff; and his ſermon was heard with approbation. But when Dr. Stokes attempted to publiſh the decrees of the council of London, he was interrupted with clamours and reproaches; which obliged him to deſiſt, without having received any countenance or protection from the chancellor or proctors, who were ſecret favourers of the new opinions. For this negligence they were ſummoned to appear before archbiſhop Court-

[64] Spelman Concil. tom. 2. p. 628.

ney.

ney, who treated them very roughly, and by threats prevailed upon them to return to Oxford, and to publiſh the decrees of the council of London, both in Latin and Engliſh, firſt in St. Mary's church, and afterwards in the ſchools[65]. Cent. XIV.

While the doctrines of Wickliff were propagated and oppoſed with ſo much zeal, at Oxford and other places, he (being in a declining ſtate of health) reſided, during the two laſt years of his life, at his living of Lutterworth in Leiceſterſhire, employed in finiſhing his tranſlation of the Bible, and other works. Being ſeized with a ſtroke of the palſy, which deprived him of his ſpeech, December 28, A. D. 1384, he expired on the laſt day of that year. As the clergy had hated and perſecuted him with great violence during his life, they exulted with indecent joy at his diſeaſe and death, aſcribing them to the immediate vengeance of Heaven for his hereſy. "On the day of St. "Thomas the Martyr, archbiſhop of Canterbury "(ſays Walſingham, a contemporary hiſtorian), "that limb of the devil, enemy of the church, "deceiver of the people, idol of heretics, mirror "of hypocrites, author of ſchiſm, ſower of hatred, "and inventor of lies, John Wickliff, was, by "the immediate judgment of God, ſuddenly "ſtruck with a palſy, which ſeized all the mem-"bers of his body, when he was ready (as they "ſay) to vomit forth his blaſphemies againſt the "bleſſed St. Thomas, in a ſermon which he had Death of Wickliff.

[65] A. Wood, Hiſt. Oxon. p. 190—192.

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"prepared to preach that day[66]." But theſe reproaches do honour to his memory, as they were brought upon him by his vigorous efforts to deliver his countrymen from the errors, ſuperſtitions, and extortions, of the church of Rome.

Great ſucceſs of the preachers of his doctrines.

Though the joy of the clergy at the death of Dr. Wickliff was very great, it was not of long duration. They ſoon found, that his doctrines had not died with him, but were propagated with great zeal, and no little ſucceſs, by his followers, who were commonly called *Lollards*[67]. Many of thoſe who were preachers travelled up and down the country on foot, in a very plain dreſs, declaiming with great vehemence againſt the corruptions of the church and the vices of the clergy. Theſe preachers were not only admired and followed by the common people, but were favoured and protected by ſeveral perſons of high rank and great power, particularly by the duke of Lancaſter, the lords Percy, Latimer, Clifford, Hilton, and others[68]. By the zeal, activity, and eloquence, of the preachers, under the protection of theſe great men, the new doctrines, as they were called, gained ground ſo faſt, that, as a contemporary hiſtorian of the beſt credit affirms, "more than "one half of the people of England, in a few "years, became Lollards[69]." The ſame hiſtorian, who was a clergyman, and a moſt inveterate enemy

[66] T. Walſing. Hiſt. Angl. p. 312.
[67] Hen. Knyghton, col. 2663.
[68] Id. col. 2661.
[69] Id. col. 2664.

to

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to the Lollards, acknowledges, that as Wickliff excelled all the learned men of his age in diſputation, ſo ſome of his followers, in a very little time, became very eloquent preachers, and very powerful diſputants; which he aſcribes to the aſſiſtance of the devil, who, he ſays, took poſſeſſion of them as ſoon as they became Lollards [70].

The clergy, alarmed and enraged at this rapid progreſs of the new opinions, attempted to put a ſtop to it by violence and perſecution, which have been often employed by power againſt truth. They procured, or at leaſt promulgated, a ſtatute which ſtill appears in our ſtatute-book (though the commons, it is ſaid, never gave their aſſent to it), empowering and commanding all ſheriffs to ſeize and impriſon all preachers of hereſy [71]. They alſo prevailed upon the king, A. D. 1387, to grant a commiſſion to certain perſons to ſeize all the books and writings of John Wickliff, Nicolas Hereford, John Ayſhton, and other heretical writers, and to impriſon all who tranſcribed, ſold, bought, or concealed ſuch books [72]. By theſe methods the clergy hoped to interrupt the preaching and writing of the reforming teachers, by which they chiefly propagated their opinions. But the contemporary hiſtorian Knyghton obſerves, with regret, "that theſe laws and edicts were but ſlowly "and faintly executed, becauſe the time of cor-"rection was not yet come [73]."

70 H. Knyghton, col. 2664.

71 Ruffhead's Statutes at large, vol. 1. p. 358.

72 H. Knyghton, col. 2708, 2709. 73 Id. col. 2708.

Though

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Several perſons tried for hereſy.

Though the violent factions amongſt the nobility, and the general animoſity of the laity againſt the clergy, on account of their exceſſive power and riches, prevented for a time the rigorous execution of the penal ſtatutes againſt heretics; ſeveral perſons were apprehended and tried upon theſe ſtatutes. Some of them, as particularly Hereford, Ayſhton, and Rapyngdon, who had been the moſt zealous propagators of Wickliff's doctrines, were, by threats and promiſes, prevailed upon to make a kind of recantation, and to deſiſt from preaching theſe doctrines [74]. Others eſcaped with ſlight cenſures, by giving artful, evaſive explanations of their tenets. In general it may be obſerved, that the followers of Wickliff were not very ambitious of the crown of martyrdom, and none of them were capitally puniſhed in the reign of Richard II [75].

Statute of premunire.

In ſpite of all the laws that had been made in England againſt the tyrannical uſurpations of the court of Rome, they ſtill continued, or rather increaſed. When a clerk had obtained a ſentence in favour of his preſentation to a church in the king's court, and the biſhop of the dioceſe had inducted him in conſequence of that ſentence, it was uſual for the pope, on the complaint of the loſing party, to excommunicate the biſhop. When an Engliſh biſhop had by any means offended his holineſs, he ſometimes puniſhed him by tranſlating him to a foreign ſee, without his own conſent, or that of the

74 H. Knyghton, col. 2657, &c.
75 Fox's Acts and Monuments, p. 436.

king.

king. Upon a complaint of theſe papal uſurpations by the commons, in a parliament at Wincheſter, A. D. 1392, a very ſevère law was made for the puniſhment of thoſe who ſolicited, or brought into the kingdom, any papal bulls of excommunication, tranſlation, or other thing againſt the rights and dignity of the crown [76]. Cent. XIV.

Theſe conteſts between the king and parliament of England and the court of Rome, encouraged the Lollards to make bold and direct attacks on the eſtabliſhed church. Accordingly, they preſented to a parliament which was held by the duke of York (the king being in Ireland), at Weſtminſter, A. D. 1394, a remonſtrance containing twelve articles of complaint againſt the church and clergy, praying for redreſs and reformation. In this remonſtrance, they complain chiefly of the exorbitant power, exceſſive wealth, and profligate lives of the clergy, which laſt they aſcribe chiefly to their vows of celibacy;—of tranſubſtantiation, and the ſuperſtitious practices which the belief of it produced;—of prayers for the dead;—of the worſhip of images;—of pilgrimages;—of auricular confeſſion, and its conſequences;—and of ſeveral other particulars in which the preſent proteſtant churches differ from the church of Rome [77]. What reception this remonſtrance met with from the parliament we are not informed. About the ſame time the Lollards publiſhed ſeveral ſatirical papers, Remonſtrance of the Lollards to parliament.

[76] Ruffhead's Statutes, vol. 1. p. 406.
[77] Collier's Eccleſiaſt. Hiſt. vol. 2. p. 598.

paint-

Cent. XIV. painting the deceitful arts, abominable vices, and abſurd opinions, of the clergy in very ſtrong colours; which excited both the contempt and hatred of the people againſt them. Some of theſe papers, written with much aſperity, and no little wit, were paſted up on the moſt public places in London and Weſtminſter [78].

The king returns from Ireland to protect the church.

The clergy were ſo much alarmed at theſe bold attacks, that they diſpatched the archbiſhop of York, the biſhop of London, and ſeveral other commiſſioners, to the king in Ireland, to entreat him to return immediately into England, to protect the church, which was in danger of deſtruction. "As ſoon (ſays a contemporary hiſtorian) as the "king heard the repreſentation of the com-"miſſioners, being inſpired with the Divine Spirit, "he haſtened into England, thinking it more "neceſſary to defend the church than to conquer "kingdoms [79]." On his arrival, he called before him the Lords Clifford, Latimer, Montacue, and other great men who favoured the Lollards, and threatened them with immediate death, if they gave any further encouragement to heretical preachers. Intimidated by theſe threats, they complied with the King's deſire, and withdrew their protection.

Several of the Lollard preachers, diſcouraged by this defection of their patrons, ſoon after recanted their opinions, and returned into the boſom of

[78] Fox's Acts and Monuments, p. 462, &c. T. Walſing. p. 351.
[79] T. Walſing. p. 351.

the

the church. Thomas Arundel archbiſhop of York, who was a moſt violent enemy to the Lollards, obliged thoſe in his province who recanted to take the following curious oath, which I ſhall give in the original language and ſpelling: "I ——, before "you, worſhipful fader and lord archbiſhop of "Yhork, and your clergy, with my free will and "full avyſed, ſwere to God and to all his ſeyntes, "upon this holy goſpel, that fro this day forth-"word, I ſhall worſhip images, with praying and "offering unto them, in the worſhip of the ſaints, "that they be made after; and alſo, I ſhall never "more deſpiſe pylgremage; ne ſtates of holy "chyrche, in no degre. And alſo I ſhall be "buxum to the laws of holy chyrche, and to "yhowe, as to myn archbiſhop, and myn other "ordinaries and curates, and keep the laws up "my power and meyntein them. And alſo, I ſhall "never more meyntein, ne techen, ne defenden, "errors, concluſions, ne techeng of the Lollards "ne ſwych concluſions and techengs that men "clopeth Lollards doctrine; ne ſhall her books, "ne ſwych books, ne hem or ony ſuſpect or dif-"famed of Lollardary, receyve or company with "all, willingly, or defend in tho matters; and if "I know any ſwych, I ſhall, with all the haſt "that I may, do yhowe, or els your nex officers, "to wyten, and of ther bokes [80], &c."

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When the affairs of the church were in this poſture, and that reformation which had been

Archbiſhop Arundel baniſhed.

[80] Collier's Eccleſiaſtical Hiſt. vol. 1. p. 599.

begun

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begun by doctor Wickliff had received this ſevere check, William Courtney archbiſhop of Canterbury died, July 31, A. D. 1396, and was ſucceeded by Thomas Arundel, archbiſhop of York. As this prelate had long been the moſt active adverſary of the Lollards, he ſoon diſcovered, by his conduct, that he deſigned to employ againſt them all the additional power he had acquired by his promotion to the primacy [81]. But before he had time to execute this deſign, he was involved in troubles which deprived him of all his power. Theſe troubles proceeded from his having been one of that party of the nobles and clergy, which A. D. 1386 obtained a commiſſion from parliament, inveſting them with the whole power of the ſtate. By one of thoſe revolutions which are not uncommon in the Engliſh hiſtory, that party were now overturned, and proſecuted with great ſeverity, for obtaining and executing that commiſſion. The archbiſhop, and his brother the earl of Arundel, were tried by their peers in parliament, in September A. D. 1397, and found guilty of high treaſon; in conſequence of which the earl was beheaded, and the archbiſhop deprived, and baniſhed [82].

Roger Walden primate.

After the departure of archbiſhop Arundel out of the kingdom, Roger Walden, treaſurer of England, was promoted to the primacy, and inſtalled March 25, A. D. 1398 [83]. The pope having

[81] A. Wood, Hiſt. Univerſ. Oxon. p. 199.
[82] Parliamentu Hiſt. vol. 1. p. 464, &c. [83] T. Walſing. p. 354.

gratified

gratified the king, by withdrawing his favour from Arundel, conſenting to the promotion of Walden, and granting a bull confirming all the tranſactions of the late parliament, thought it a proper time to apply for the repeal of the ſtatutes of proviſors and premunire, which ſet ſome bounds to his power in England. To ſolicit this affair, he ſent a legate to the king, who was received with great reſpect, and loaded with preſents, but could not obtain the repeal of the offenſive ſtatutes [84]. The eccleſiaſtical tranſactions of archbiſhop Walden are not well known, and could not be very important; for thoſe troubles which commenced A. D. 1399, terminated in his deprivation, and the reſtoration of the exiled primate, before the end of that year. Cent. XIV.

THE hiſtory of the church of Scotland in the fourteenth century hath been ill preſerved, owing to the unſettled and unhappy ſtate of that country in that period. William Fraſer biſhop of St. Andrew's having died in France, A. D. 1297, he was ſucceeded by William Lamberton parſon of Campſie, and chancellor of the church of Glaſgow. The pope ſent a bull to all the biſhops of Scotland, A. D. 1302, complaining, that they ſtirred up the people under their charge to war againſt the king of England; and commanding them to promote peace [85]. This papal mandate was little regarded by the Scotch prelates, particularly by thoſe of St. Andrew's and Glaſgow, who having been taken Hiſtory of the church of Scotland.

84. T. Walſing. p. 356. 85 Rymer. Fœd. t. 2. p. 905.

were

Cent. XIV.

were committed to priſon by Edward I. A. D. 1306 [86]. That prince complained to the pope of theſe two biſhops, accuſing them of having ſtirred up the people of Scotland to rebel againſt him [87]. After biſhop Lamberton had been confined in England above two years, having taken an oath of fealty to Edward II. he was ſet at liberty, and returned into Scotland, A. D. 1308 [88]. This prelate ſeems to have paid no regard to the oath of fealty which he had taken to the king of England, after he was ſet at liberty; for he preſided in a general aſſembly of the biſhops, abbots, priors, and clergy, of Scotland, in which the right of king Robert Bruce to the crown was aſſerted in the ſtrongeſt terms, at Dundee, 24th February A. D. 1309 [89]. Towards the end of that year we find him employed, at the abbey of Holyroodhouſe, near Edinburgh, in collecting evidence againſt the knights templars, in conjunction with John de Soleres, the pope's legate [90]. Not long after this he ſeems to have returned to the party, and to have regained the favour, of the king of England. For that prince wrote a letter to the pope, dated at Berwick, 24th July A. D. 1311, earneſtly intreating his holineſs not to inſiſt on the attendance of William biſhop of St. Andrew's in the council of Vienne, becauſe the reſidence of that prelate in Scotland was abſolutely neceſſary to ſupport his

[86] Rymer. Fœd. t. 2. p. 1016.
[87] Id. ibid.
[88] Id. vol. 3. p. 8, 119.
[89] Wilkin. Conc. t. 2. p. 302, &c.
[90] Id. ibid. p. 380.

authority

authority in that country [91]. Biſhop Lamberton continued in the Engliſh intereſt till after the battle of Bannockburn, and the firm eſtabliſhment of Robert Bruce on the throne of Scotland, when he made his peace with that prince. This excited the moſt violent reſentment in king Edward, who wrote a letter to the pope, dated at Weſtminſter, July 1, A. D. 1318, in which he painted the biſhop of St. Andrew's in the blackeſt colours, as an impious traitor, who had violated the moſt ſolemn oaths [92]. This prelate was a benefactor to his ſee, built ſeveral churches, finiſhed and conſecrated his cathedral, and died A. D. 1328 [93]. Cent. XIV.

Robert Wiſhart, biſhop of Glaſgow from A. D. 1272 to A. D. 1316, was a more ſteady patriot, and more zealous aſſertor of the independency of his country, than his brother and contemporary biſhop Lamberton. This involved him in many troubles, particularly a long impriſonment in England, from which he was not delivered till after the battle of Bannockburn, when he was exchanged for ſome of the Engliſh nobles taken in that action [94]. Wiſhart biſhop of Glaſgow.

James Bennet or Bane, archdeacon of St. Andrew's, ſucceeded biſhop Lamberton in the primacy of Scotland; and being in that high ſtation, he crowned David II. A. D. 1329. When Edward Baliol recovered the crown of Scotland, this pre- Biſhop Bane.

91 Rymeri Fœd. t. 3. p. 274.
92 Ibid. p. 710.
93 Keith's Catalogue of the Biſhops of Scotland, p. 15.
94 Rymeri Fœd. t. 3. p. 489.

Cent. XIV.

late continued faithful to king David, and retired into Flanders, where he died, at Bruges, 22d September A. D. 1332[95].

Biſhop Landells.

The public affairs of Scotland being very unſettled at this time, and a diſpute having ariſen about the ſucceſſion to the ſee of St. Andrew's, it continued vacant about nine years, when William Landells, provoſt of Kinkell, was promoted to it, and conſecrated by the pope at Avignon A. D. 1341. This prelate enjoyed his promotion no leſs than forty-four years; and having a good paternal eſtate, he lived with great magnificence and hoſpitality[96]. He appears to have been much engaged in the civil and political tranſactions of thoſe turbulent times in which he flouriſhed; and in particular he was the firſt commiſſioner for Scotland in the tedious negotiations for the delivery of king David II. from his captivity in England[97]. Biſhop Landells procured for himſelf and the clergy of Scotland the privilege of diſpoſing of their perſonal eſtates by teſtament; which, it ſeems, they had not enjoyed before his time[98]. He died at St. Andrew's, 15th October A. D. 1385[99].

Stephen.

Stephen de Pay, prior of St. Andrew's was elected to be biſhop of that ſee; but being taken priſoner by the Engliſh in his paſſage to the papal court, he died at Alnwick, in March A. D. 1386[100].

95 Keith's Catalogue, p. 15. 96 Id. p. 16.
97 Rymeri Fœd. t. 3, p. 632. 711. 736.
98 Spottiſwoode, p. 55. 99 Fordun, t. 1, p. 364.
100 Keith's Catalogue, p. 17.

Robert

Cent. XIV.

Robert Trail, doctor of the civil and canon laws, was promoted to the primacy of Scotland by the pope, who paid him ſome very high, but not unmerited, compliments on that occaſion. This prelate had the chief direction both of the civil and eccleſiaſtical affairs of the kingdom, which he conducted with equal wiſdom and felicity. He was ſo rigid and ſevere (ſays a contemporary hiſtorian) in the exerciſe of church-diſcipline, that no clergyman in his dioceſe dared to keep a concubine publicly [101]. He built the caſtle of St. Andrew's, in which he died A. D. 1401.

Biſhop Trail.

There were twelve biſhoprics in Scotland in this period, beſides that of St. Andrew's; which were thoſe of Glaſgow, Dunkeld, Aberdeen, Moray, Brechin, Dunblane, Roſs, Caithneſs, Orkney, Galloway, Argyle, and the iſles. But a particular detail of the ſeveral prelates of theſe ſees would be more tedious than inſtructive [102].

The doctrines of Wickliff, which made ſo much noiſe in England, ſeem to have been little known or regarded in Scotland in the fourteenth century. This was probably owing to the violent animoſities and frequent wars which then ſubſiſted between theſe two kingdoms.

101 Fordun, t. 1. p. 364.

102 See Keith's Catalogue of the Biſhops of the ſeveral Sees within Scotland.

THE

HISTORY

OF

GREAT BRITAIN.

BOOK IV.

CHAP. III.

Hiſtory of the Conſtitution, Government, and Laws of Great Britain, from the death of king John, A. D. 1216, to the acceſſion of Henry IV. A. D. 1399.

THE conſtitution, government, and laws of Britain have been formed upon various plans, and have paſſed through various changes, in their progreſs towards that high degree of excellence and ſtability to which they have happily attained. The plans of the Britiſh, Roman, Saxon, and Norman governments have been delineated, and a general view of their ſeveral ſyſtems of laws

Various plans of government.

and political arrangements hath been given in the former volumes of this work [1].

General plan of the conſtitution the ſame in this as in the former period.

That plan of government and ſyſtem of laws commonly called the *feudal ſyſtem*, which was eſtabliſhed in England by the Normans, ſoon after their ſettlement in that part of this iſland, and gradually introduced into the other Britiſh ſtates, continued to form the political conſtitution of all theſe ſtates through the whole of our preſent period; but not without various changes, in its ſeveral parts. Some of theſe changes, produced by faction and party-rage, were very great, but of ſhort duration; others, which were the reſult of experience, and of the change of circumſtances, were not ſo violent, but more permanent. Referring the reader to the third chapter of the third book of this work, for the general plan of the Anglo-Norman conſtitution, government, and laws, both at their firſt introduction, and as they ſtood at the concluſion of the former period, I ſhall endeavour in this chapter to point out the principal changes that were made in theſe important objects in the courſe of our preſent period. In doing this, the greateſt ſincerity, brevity, and plainneſs, ſhall be ſtudied.

[1] See vol. 1. p. 237—368; vol. 3. p. 299—439; vol. 6. p. 1—86.

SECTION I.

Changes in the Conſtitution, Government, and Laws of Britain, in the reign of Henry III. *from* A. D. 1216 *to* A. D. 1272.

History of the Great Charters.

THE Great Charter granted by king John towards the concluſion of the former period, contains a very diſtinct and authentic plan of the Engliſh conſtitution, as it ſtood at that time; at leaſt in ſpeculation. As ſoon as this great charter was obtained, it became the idol of the people of England, who eſteemed it the great ſecurity of their moſt valuable rights and liberties. But it was not viewed with the ſame favourable eyes by thoſe who had the adminiſtration of government in their hands, who were very backward in executing its moſt important articles. This produced frequent and earneſt cries for the execution and confirmation of that famous charter; and theſe cries were effectual when the king and his miniſters ſtood in particular need of the favour and aſſiſtance of the people, who commonly paid for theſe confirmations by liberal grants of money. Accordingly, the Great Charter was confirmed (with ſome variations occaſioned by the change of circumſtances) no leſs than ſeven times in the reign of Henry III. and ſome of theſe confirmations were attended with

very great ſolemnities [2]. In the ſecond year of this reign, A. D. 1217, the articles reſpecting the royal foreſts were left out of the Great Charter, which was then confirmed, and formed into a ſeparate charter, called *Charta de Foreſta*; and theſe two charters after this were always ſeparated [3]. It would be tedious to give a minute detail of all the variations of the Great Charters of Henry III. from that of king John; but the reader may ſatisfy himſelf on this ſubject, by comparing the charters granted by Henry III. A. D. 1224, inſerted in the Appendix to this volume, with that granted by king John, in the Appendix at the end of the ſixth volume [4].

Some changes were made in the ranks and orders of men in ſociety, in the reign of Henry III. Thoſe in the loweſt rank were ſtill in the ſame wretched ſtate of ſervitude as formerly. Of this we have ſufficient evidence in the Great Charters of that prince, in which thoſe who had the cuſtody of the eſtates of minors are prohibited from deſtroying or waſting the men or cattle upon theſe eſtates, placing both on the ſame footing [5]. According to Bracton the famous lawyer, who flouriſhed in this reign, all the goods a ſlave acquired belonged to his maſter, who might take them from him whenever he pleaſed [6]. Slaves were ſtill an

[2] See Judge Blackſtone's moſt accurate Hiſtory of the Charters, in his Law-tracts, vol. 2. p. 43—91.

[3] Id. ibid. p. 63.

[4] Append. N° 1, 2.

[5] Append. N° 1.

[6] Bracton, l. 1, c. 9. p. 6.

article

article of commerce, even in the next reign. "In "the ſame year, 1283 (ſay the annals of Dun- "ſtaple), we ſold our ſlave by birth, William "Pyke, and all his family, and received one "mark from the buyer[7]." But there were different orders of ſlaves, and different degrees of ſervitude, in this, as well as in the preceding period[8]. The next rank in ſociety conſiſted of farmers, mechanics, and traders who were free men, but were either not proprietors of land, or only of ſmall parcels. The yeomanry and capital burgeſſes in great towns, conſidered themſelves as of a rank ſuperior to the former. The diſtinction between the nobility and gentry began to be conſpicuous in this reign. Anciently, all who held of the crown *in capite* were eſteemed noble, and formed one order; but the great inequality of the power and wealth among the members of this order, laid the foundation of a diviſion of them into the greater and ſmaller barons. This diviſion became plain, when they began to be ſummoned to parliament in different ways, the greater barons by a particular ſummons directed to each of them, and the ſmaller by a general ſummons to thoſe in each county. But even after this, they for ſome time formed only one aſſembly, and, mingled together as perſons of the ſame rank, when they appeared in parliament. The diviſion became more conſpicuous after the eſtabliſhment of the houſe of commons, when the ſmaller barons

[7] Annal. Dunſtap. an. 1283.

[8] Bracton, p. 7.

and

and freeholders no longer mingled with the greater and were no longer their peers, nor appeared in parliament each in his own right, but only as repreſentatives.

Conſtitution of parliament at the end of the laſt period.

Nothing can be better aſcertained, or more clearly defined, than the conſtitution of the parliament of England when the great charter was granted by king John at the end of our laſt period. The members who compoſed that aſſembly, the manner in which they were ſummoned, with ſeveral other particulars, are thus deſcribed in that charter: "To have a common council of the kingdom, to "aſſeſs and aid, otherwiſe than in the three foreſaid "caſes, or to aſſeſs a ſcutage, we will cauſe to be "ſummoned the archbiſhops, biſhops, earls, and "greater barons, perſonally, by our letters; and "beſides we will cauſe to be ſummoned in general "by our ſheriffs and bailiffs, all thoſe who hold "of us in chief, to a certain day, at the diſtance "of forty days at leaſt, and to a certain place; "and in all the letters of ſummons, we will expreſs "the cauſe of the ſummons; and the ſummons "being thus made, the buſineſs ſhall go on at the "day appointed, according to the advice of thoſe "who ſhall be preſent, although all who had been "ſummoned have not come[9]."

No change ſeems to have been made in the conſtitution of the parliament of England in the former part of the reign of Henry III. as appears from the deſcriptions given of theſe aſſemblies by

9 See vol. 6. Append. No 1. p. 384. No 2. p. 397.

Matthew

Matthew Paris, the beſt contemporary hiſtorian[10]. It would be tedious to introduce all theſe deſcriptions, which (though they differ a little in words, ſome of them being more general, others more particular) are all to the ſame import. When the members are deſcribed in general, it is commonly in ſuch words as theſe:—*Magnates Angliæ, tam laici quàm prelati*,—"The great men of Eng-"land, both of the laity and clergy[11]." The following is the moſt particular deſcription of the members of a parliament (held at London A. D. 1237) to be found in this hiſtorian: "The king "immediately ſent his royal writs into all parts of "England, ſummoning all concerned in the king-"dom of England, viz. all archbiſhops, biſhops, "abbots, inſtalled priors, earls, barons, and all "others without omiſſion[12]." By this laſt expreſſion, *all others without omiſſion*, we are certainly to underſtand thoſe who are thus deſcribed in the great charter, *all thoſe who hold of us in chief*; who were ſummoned in general by the ſheriffs. For all the members of this parliament are afterwards called *magnates et nobiles*, "great men "and nobiles," of whom, the hiſtorian ſays, "an "infinite multitude came to London[13]." The members of a parliament which met at Weſtminſter A. D. 1244, are thus deſcribed;—"The "archbiſhop of York, and all the biſhops, ab-

[10] Mat. Paris, p. 219. col. 1. p. 223 col. 1. p. 252. col. 2. p. 256. col. 1. p. 293. col. 2.

[11] Id. p. 256. col. 1. p. 252. col. 2.

[12] Id. p. 297. col. 2. [13] Id. ibid.

"bots,

"bots, and priors of England, by themſelves, or "their procurators, and alſo all the earls, and al-"moſt all the barons of England [14]."

Change in the conſtitution of parliament.

The great councils of the kingdom ſeem to have been conſtituted according to the plan in the great charter, till the mad parliament, as it was called, which met at Oxford, June 11, A. D. 1258, made a violent change of this, as well as in every other part of the conſtitution. That party of the barons, headed by Simon de Montfort earl of Leiceſter, which had long oppoſed the court, came to this parliament armed, and attended by ſuch numerous retinues, that they were completely maſters of the field, and compelled the king to conſent to every thing they propoſed. Twenty-four great men were inveſted with authority,—to name the king's council, the great officers of the crown, and the governors of the royal caſtles,—to regulate the king's houſehold, to manage his revenue,—to make laws,—and, in a word, to do almoſt whatever they pleaſed [15]. One of the firſt acts of theſe twenty-four dictators was a decree, that there ſhould be three parliaments every year, one in February, one in June and one in October. But theſe parliaments were to be conſtituted in a very extraordinary manner, and were to conſiſt only of the members of the king's council, fifteen in number, and twelve barons choſen to repreſent the whole community. Theſe twelve barons were

[14] Mat. Paris, p. 393. col. 2.
[15] Annal. Monaſt. Burnet, p. 407—413.

accordingly chosen by the parliament at Oxford to represent the community in future parliaments; and the record of their election may be thus translated; "These are the twelve which are chosen by "the barons to treat at the three parliaments in "a year, with the king's council, for all the com-"munity of the land, on public business; the "bishop of London, the earl of Winchester, the "earl of Hereford, Philip Basset, John de Ba-"liol, John de Verdun, John de Gray, Roger "de Sumery, Roger de Montalt, Hugh Despenser, "Thomas de Gresley, Egidius de Argenton [16]." Whether there were parliaments on this plan in October, A. D. 1258, and in February and June in the year following, is uncertain; but it appears that there was one in October A. D. 1259, by which the famous provisions of Oxford, made by the twenty-four barons, were confirmed; for to these provisions or decrees the following confirmation is subjoined; "These are the provisions and "decrees made at Westminster after Michaelmas, "by the king and his council, and the twelve "chosen by the assent of the whole community "of England, which were then at Westminster, "in the year of the reign of Henry the son of "John the fortieth and third [17]." The ostensible reason of this great innovation was, to relieve the community or body of those who had formerly been bound to come to parliaments from the expence and trouble of personal attendance; but the

[16] Annal. Monast. Burton, p. 414. [17] Id. p. 435.

real

real object of it unqueſtionably was, to perpetuate the power of the earl of Leiceſter and his party.

Another change in the conſtitution of parliament.

The above plan of a parliament could not fail to be unpopular, as it excluded all the ſmall and many of the great barons from the public councils, under the ſpecious pretence of relieving them from expence and trouble. It was therefore ſoon laid aſide, and another of a more comprehenſive nature, and nearer to the ancient model, ſubſtituted in its place, by the ſame party. After the earl of Leiceſter and his partiſans had obtained the victory in the battle of Lewes, May 14, A. D. 1264, and had got the king, prince Edward, Richard king of the Romans, and his ſon Henry, into their hands, they were at great pains to obtain the public approbation of their ſchemes for eſtabliſhing their own power on the ruins of the royal authority. With this view they obliged the king to call a parliament, conſtituted in a different manner from that preſcribed in the great charter, or in their own former plan. To this famous parliament, which was to meet at London January 20, A. D. 1265, only eleven biſhops, five earls, and eighteen great barons, all of the predominant party, were ſummoned by particular writs [18]. But to ſupply the places of the prelates, earls, and barons, of the royal party, who were not ſummoned, particular writs were directed to ſixty-four abbots, thirty-ſeven priors, and five deans [19]. This very remarkable circumſtance was

18 Dugdale's Summons to Parliament, p. 1, 2. 19 Id. p. 2, 3.

probably

probably owing to the high degree of favour in which the earl of Leiceſter ſtood with the clergy, who conſidered him as a ſaint and champion of the church [20]. Writs were alſo ſent to all the ſheriffs in England, commanding them to cauſe two of the moſt diſcreet knights of each county to come to this parliament. Similar writs were directed to the citizens of ſeveral cities, and burgeſſes of ſeveral burghs, requiring each city to ſend two of its moſt diſcreet and honeſt citizens, and each burgh two of its moſt wiſe and upright burgeſſes [21]. Each of the cinque-ports was commanded to ſend two of its barons. In what manner theſe knights, citizens, burgeſſes, and barons, of the cinque-ports, were choſen, we have no account. But as they appeared as the repreſentatives of thoſe by whom they were ſent, their expences were to be borne by their conſtituents [22]. We have no hint in any of our hiſtorians, that this parliament was divided into two houſes. With whatever views this plan was formed, it was a near and happy approach to that ſyſtem which hath been eſtabliſhed in England above five hundred years: a degree of antiquity to which few political arrangements can pretend.

Though Henry III. was certainly neither a very great nor wiſe king, ſeveral good laws were made in his reign, which are ſtill in force, and have a place in the ſtatute-book. By one of theſe ſta- Statute law.

[20] Chron. Melros, p. 228.
[21] Dugdale, p. 3.
[22] Brady's Introduction, &c. p. 140, 141.

tutes

tutes made at Merton A. D. 1236, a controverſy concerning baſtardy, which had long ſubſiſted between the eccleſiaſtical and civil courts, was finally determined. By the Roman and canon laws, the ſubſequent marriage of the parents legitimated the children which had been born before that marriage; but by the ancient cuſtoms and common laws of England, all children born out of wedlock were ſtill reputed baſtards, though their parents afterwards married. All the prelates in the parliament at Merton moſt earneſtly inſiſted to have the regulation of the canon law, in this particular, adopted into the law of England; but all the temporal barons replied with one voice, "We "will not ſuffer the ancient and approved laws of "England to be changed [23]." By another ſtatute made in the parliament of Merton, it is enacted, "That lords who married their wards, before "they were fourteen years of age, to villains, or "burgeſſes, to their diſparagement, ſhould loſe "the wardſhip of their lands [24]:" a proof of the contemptible light in which burgeſſes appeared to the haughty barons of thoſe days, and even to their vaſſals. The ſtatutes concerning the exchequer, which were made A. D. 1266, are remarkable in ſeveral reſpects. They are the firſt of our ſtatutes in the French language. This might perhaps be owing to the predilection of the perſons who drew up thoſe ſtatutes for that lan-

23 Ruffhead's Statutes, vol. 1. p. 19. Barrington's Obſervations on the Statutes, p. 39.

24 Statutes, vol. 1. p. 18.

guage;

guage; which was much better and more generally underſtood in England at this time than the Latin, in which all the preceding ſtatutes had been penned. By the firſt ſtatute of the exchequer, ſeveral very humane and equitable regulations are made for preventing too great ſeverities in collecting the royal revenues. In particular, it is provided, that no man's ſheep, or his beaſts, which are neceſſary for the cultivation of his lands, ſhall be diſtrained for the king's debt, or for the debt of any other man[25]: a laudable attention in the legiſlature to the promoting of agriculture. The ſecond ſtatute of the exchequer contains ſeveral prudent regulations concerning the terms and methods of accounting at the exchequer, and for preventing the king from being defrauded of his revenues, or impoſed upon in the prices of work done, or things provided for his uſe[26]. The prices of the important articles of bread and ale had been ſettled by very ancient ſtatutes, in proportion to the prices of grain, to prevent the impoſitions of bakers and brewers. Theſe laws were confirmed and enforced by the ſtatute of the pillory and tumbrel, which was made in a parliament at Wincheſter, A. D. 1266; by which, bakers who frequently offended, were to be puniſhed by the pillory, and brewers (who were all women) by the tumbrel, or ducking-ſtool[27]. In the ſame ſtatute, many wiſe regulations are made,—for aſcertaining

[25] Statutes, vol. i. p. 24. [26] Id. ibid. p. 25—28.
[27] Id. ibid. p. 28. Barrington's Obſervations, p. 42.

the prices of grain,—for examining weights and meaſures,—for preventing the ſale of unwholeſome meats and liquors,—and for reſtraining various arts of impoſing upon the people, and raiſing the prices of proviſions. The laſt ſtatutes in this long reign were made in a parliament at Marlborough A. D. 1267, after the reſtoration of the royal authority by the victory at Eveſham, and were intended to put a ſtop to many diſorders which had prevailed in the late times of anarchy and confuſion. Theſe ſtatutes conſiſt of twenty-nine chapters; and contain ſeveral good laws,—for reſtraining the tyranny of the great barons, by facilitating appeals from their courts to thoſe of the king,—for preventing cruelty, in taking diſtreſſes; and on ſome other ſubjects. By the twenty-third chapter, farmers are prohibited from making waſte or ſale of the woods or men upon their farms, without ſpecial licence in writing [28]. In a word, it cannot be denied, that Henry III. appears to greater advantage as a legiſlator than in any other point of view [29].

Common law.

The common as well as the ſtatute law of England received conſiderable improvements in the reign of Henry III. This will appear evident even from a curſory compariſon of the treatiſe of Glanville, who wrote in the reign of Henry II. with that of Bracton, who wrote in this period. This, we are told by the beſt authority, is no leſs

[28] Statutes, vol. 1. p. 30—40.
[29] Barrington's Obſervations, p. 57.

evident

evident from the judicial records in the time of Henry III. which are ſtill extant, and in which the pleadings appear more perfect and orderly than in thoſe of the preceding period [30]. Several circumſtances concurred to promote thoſe improvements in the common law at this time;—particularly, the ſettlement of the court of common pleas at Weſtminſter; the retreat of the clergy, who were great enemies to the common law, both from the bench and from the bar, in obedience to a canon made A. D. 1217;—the eſtabliſhment of the law-colleges, the inns of court for the education of common lawyers; the decline of trials by ordeals and ſingle combat, which were now much diſcountenanced;—and the ſtatute ſubjecting pleaders to a fine for abſurd and fooliſh pleading [31].

Royal prerogatives.

Henry III. was deprived of almoſt all the prerogatives of his crown by the parliament at Oxford, A. D. 1258, and allowed to retain little or nothing but the name of king. He even continued in that ſtate of depreſſion and inſignificancy for ſeveral years; during which the kingdom was a ſcene of the greateſt miſery, the barons of the different parties burning each others houſes, and deſolating each others lands. But after the fall of the earl of Leiceſter in the battle of Eveſham, A. D. 1265, Henry was reſtored to the exerciſe of all his former prerogatives and rights, and the country to its former tranquillity and good order.

30 Hale's Hiſtory of the Common Law, ch. 7. p. 156.

31 Statutes, vol. 1. p. 35. Barrington's Obſervat. p. 52. Spelman and Wilkin's Concil. c. 1217. Rymer, t. 1. p. 228.

Royal revenues.

The revenues of the crown of England flowed from the ſame ſources in this as in the former period, and, with prudent management, were abundantly ſufficient for every neceſſary purpoſe [32]. But Henry III. was a bad œconomiſt, and diſſipated theſe revenues,—by his expeditions into France,—his vain expenſive attempt to procure the kingdom of Sicily for his ſecond ſon Edmund,—and chiefly by his unbounded liberality to his favourites, which involved him in an incredible load of debt, and ſunk him into a degree of poverty very unbecoming the royal dignity. This obliged him to make frequent applications to his people in parliament for grants of money that was not due to him by any legal title; which were often refuſed, and ſometimes given. Theſe grants commonly conſiſted of a tenth, a fifteenth, a twentieth, or ſome other proportion of the value of their moveable goods. When a tenth or fifteenth was granted by parliament, four knights in each hundred were choſen in the county-court of each county, to act as commiſſioners for aſcertaining the value of the moveables of the inhabitants of their reſpective hundreds; and according to their valuation the tax was to be levied. On theſe occaſions, no value was ſet on the books of the clergy, the ornaments of churches, the horſes and armour of knights, and the implements of huſbandry [33]. A

[32] See vol. 6. chap. 3. Madox's Hiſtory of the Exchequer, chap. 10. 18. p. 202—535. Blackſtone's Commentaries, vol. 1. ch. 8.

[33] Annal. Dunſtap. vol. 2. p. 434. Dr. Brady's Append.

fifteenth

fifteenth that was granted both by the clergy and laity, A. D. 1225, produced (as we are told by a contemporary hiſtorian) 90,000 marks[34]: a very great ſum in thoſe times. Henry III. obtained ſeveral grants of this kind from his parliaments; but they were commonly given as the price of certain privileges and immunities which they claimed[35]. By this means the improvidence of our princes contributed not a little to improve the conſtitution, to ſecure the rights, and eſtabliſh the liberties of their ſubjects. The Jews in England, who were very numerous and opulent, were frequently fleeced without mercy, and ſometimes mortgaged for the payment of the king's debts[36]. At one time a tallage of no leſs than ſixty thouſand marks was impoſed upon the Jews, and exacted with great ſeverity[37].

Upon the whole, though the long reign of Henry III. was unfortunate in ſeveral reſpects, it was not unfavourable to the intereſts of law and liberty. For in that reign the charters were confirmed;—the ſtatute and common law improved;—the crown, by the great diminution of its hereditary funds, was made more dependent on the people, and the conſtitution of the parliament was brought nearer to its preſent model.

Government, &c. of Scotland.

THE conſtitution, government, and laws of Scotland, as far as we are acquainted with them,

34 M. Paris additamenta. 35 Parliament. Hiſt. vol. 1. p. 78.
36 Rymer, vol. 1. p. 543. 37 Madox, Hiſt. Exchеq. p. 152.

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appear to have been nearly the ſame with thoſe of England in this period. Alexander II. and his nobles warmly eſpouſed the cauſe of the Engliſh barons, who obtained the great charter from king John, and muſt therefore have been well acquainted with that famous inſtrument. The two Britiſh nations at no time lived on a more friendly footing, than in the reign of Henry III. owing, in ſome meaſure, to the near relation that then ſubſiſted between the two royal families, Alexander II. having married the ſiſter, and his ſon Alexander III. the daughter of that prince. This gave occaſion to a free and frequent intercourſe between the two courts and kingdoms, by which they became acquainted with each other's laws and cuſtoms. The parliament of Scotland was conſtituted exactly according to the plan of the Engliſh parliament in the great charter of king John. The laws aſcribed to Alexander II. are ſaid to have been made,—"with the counſel and conſent of venerable "fathers, biſchops, abbats, earls, barons, and "his gude ſubjects[38]." By theſe laſt we are probably to underſtand the ſmaller freeholders, who were ſummoned in general by the ſheriff of each county or ſhire. There is ſuch a ſimilarity between many of the laws of England and Scotland in this period, as demonſtrates, that the one muſt have been copied from the other. Of this it will be ſufficient to give two examples, out of many that might be given. By the eleventh chapter

[38] Regiam Majeſtatem, p. 328.

of

of the foreſt-charter of Henry III. it is granted, —" Whatſoever archbiſhop, biſhop, earl, or " baron, coming to us at our commandment, " paſſing by our foreſt, it ſhall be lawful for him " to take and kill one or two of our deer, by " view of our foreſter, if he be preſent; or elſe " he ſhall cauſe one to blow an horn for him, that " he ſeem not to ſteal our deer; and likewiſe they " ſhall do returning from us, as it is aforeſaid [39]." By the fourteenth chapter of the foreſt-laws of Scotland, it is enacted,—" All biſhops, earles, or " barones, cummand to the king, at his com- " mand, and paſſand be the foreſt, may leſumlie " take ane or twa beaſts, at the ſicht of the " foreſtar, gif he be preſent; otherwaies he may " blaw his horne, that he appear nocht to do the " ſame thefteouſlie; and he may do ſwa as ſaid is " returnand hame agane [40]." By the ſtatute of Henry III. concerning the aſſize of bread and ale, a baker, for the third offence is to be ſet in the pillory, and a brewer is to be puniſhed by the ducking-ſtool [41]. By the twenty-firſt chapter of the borough-laws of Scotland, it is enacted,— " Gif ane baxter or ane browſter treſpaſſe thriſe, " juſtice ſhall be done upon them; that is, the " baxter ſhall be put upon the pillorie, and the " browſter upon the cock-ſtule [42]." Civil cauſes ſtill continued to be tried by juries in Scotland, as well as in England; and theſe juries, in both

39 Statutes, vol. 1. p. 13.
40 Regiam Majeſtatem, p. 323.
41 Statutes, vol. 1. p. 22.
42 Regiam Majeſtatem, p. 229.

countries, were liable to be tried, and ſeverely puniſhed, for falſe or unjuſt verdicts [43]. Trials by fire and water ordeals were diſcountenanced and prohibited by both nations, about the ſame time; but thoſe by ſingle combat were ſtill frequent. In a word, the laws of both the Britiſh ſtates were ſo much the ſame in this period, that a diſtinct delineation of thoſe of the one may ſerve to convey no very imperfect idea of thoſe of the other.

SECTION II.

Changes in the Conſtitution, Government, and Laws of Britain, in the reign of Edward I. *from* A. D. 1272, *to* A. D. 1307.

EDWARD I. was illuſtrious as a general, but more illuſtrious as a legiſlator. In the former capacity he had many equals, and ſome ſuperiors; in the latter, he was equalled by few, and excelled by none of the kings of England. For this reaſon, the changes that were made in the conſtitution, government, and laws of his dominions, in his reign, merit our particular attention. To prevent confuſion in our views of theſe important objects, we ſhall conſider the moſt important changes that were made in this period, 1ſt, In the conſtitution of the parliament; 2dly, In the magiſtrates and courts of Juſtice; 3dly, In the

[43] Regiam Majeſtatem, l. 1. c. 12. 14.

ſtatute-

ſtatute-law; 4thly, In the common-law; 5thly, In the prerogatives of the crown; and 6thly, In the royal revenues.

As the parliaments of England have long been the chief guardians of its laws and liberties, its proſperity hath very much depended on the right conſtitution and proper influence of theſe auguſt aſſemblies. Whenever parliaments were diſcontinued, or deprived of their due degree of power, the people had reaſon to tremble for their liberties; and, on the other hand, when they exceeded their bounds, and deprived the crown of its juſt prerogatives, they had no leſs reaſon to dread the deſtruction of the conſtitution. It is therefore of importance to attend to the various forms and circumſtances of theſe aſſemblies in every period of our hiſtory.

Ancient form of parliaments reſtored.

That excellent plan of a parliament which had been introduced by the earl of Leiceſter and his party, in the 49th of Henry III. ſeems to have been laid aſide, and the ancient model in the great charter of king John reſtored, in the laſt years of that prince's reign, and in the firſt ten years of Edward I. This, at leaſt, appears probable, from the deſcriptions of theſe aſſemblies both in our hiſtories and ſtatutes [1]. The fulleſt and moſt particular deſcription of their conſtituent members is to be found in the preamble of the firſt ſtatutes of Weſtminſter, which were made in a general and

[1] Statutes, vol. 1. p. 30—122. Brady's Introduction, p. 144—149.

full

full parliament, as it is called, A. D. 1275: "These be the acts of king Edward, son to king "Henry, made at Westminster at his first par- "liament general after his coronation, on the "Monday of Easter Utas, the third year of his "reign, by his council, and by the assent of the "archbishops, bishops, abbots, priors, earls, "barons, and all the commonalty of the realm, "being thither summoned[a]." By all the commonalty of the realm we are probably to understand, all who held smaller portions of land than a whole barony of the king *in capite*, who were summoned to parliaments in general by the sheriffs of their respective counties.

Leicester's plan of parliaments revived.

Edward I. having completed the conquest of Wales, and taken David, the last of its princes, prisoner, called a parliament to meet at Shrewsbury, September 30, 1283, for the trial of the captive prince and the settlement of the conquered country. This parliament appears to have been constituted according to the plan of that which met at London January 20, A. D. 1265, commonly called *Leicester's parliament*. It consisted of all the great barons spiritual and temporal, who were summoned by particular writs; of two commissioners chosen by the smaller barons or freeholders of each county, in obedience to precepts directed to the sheriffs for that purpose; and of two commissioners from each of the following twenty-one cities and boroughs, viz. London,

[a] Statutes, vol. 1. p. 40.

Win-

Wincheſter, Newcaſtle, York, Briſtol, Exeter, Lincoln, Canterbury, Carliſle, Norwich, Northampton, Nottingham, Scarborough, Gremeſby, Linn, Glouceſter, Yarmouth, Hereford, Cheſter, Shrewſbury, and Worceſter [3]. What motives determined Edward to adopt this form at this time cannot be diſcovered with certainty. It is moſt probable, that the general ſummons of the ſmaller freeholders by the ſheriff had of late been diſregarded, and that few or none of them had attended parliaments, which was too expenſive for perſons in their circumſtances; and that for this reaſon they were now indulged to appear by repreſentatives, whoſe expences they bore. This cauſe afterwards produced a ſimilar regulation in Scotland [4]. Soon after this form was introduced, great precautions were taken to ſecure the attendance of theſe repreſentatives; and each of them, as ſoon as he was choſen, was obliged to find three or four perſons of credit to be ſureties for him that he would attend [5].

Variations in the forms of parliaments.

After the above form of parliament was revived, it was not ſtrictly adhered to for ſome time, but ſeveral variations took place. The famous parliament which was held at Weſtminſter in the 18th of Edward I. ſeems to have been differently conſtituted at different periods. It was compoſed on the 1ſt day of June of prelates, earls, barons, and

3 Parliament. Hiſt. vol. 1. p. 86.
4 Eſſays on Britiſh Antiquities, eſſay 2.
5 Brady's Introduct. p. 153.

other

other nobles, who granted the king an aid of forty ſhillings on every knight's fee [6]. On the 14th of the ſame month the king ſent letters to all the ſheriffs, acquainting them, that the earls, barons, and ſome other nobles, had made certain ſpecial requiſitions, about which he deſired to conſult with others of the ſeveral counties; and deſiring each ſheriff to cauſe two or three of the moſt diſcreet knights of his county to be choſen and ſent to parliament three weeks after Midſummer at fartheſt [7]. We hear of no citizens or burgeſſes being in this parliament. While the elections of knights were making in the ſeveral counties, the parliament continued ſitting, and the ſtatutes called *Weſtminſter the third* were made by it on July 8 [8]. It doth not appear with certainty, what the affair was about which the king deſired to conſult the repreſentatives of the counties; but it ſeems moſt probable, that it was the baniſhment of the Jews, which was a great national concern, and took place at this time [9]. Some parliaments in this period were called general, and ſome particular [10]. In theſe laſt, the king conſulted only with ſuch of the great men of the clergy and laity as he thought proper to ſelect. Several of our ancient ſtatutes ſeem to have been made by theſe particular parliaments [11]. In ſome of the parliaments of this

6 See the record in Brady's Introduct. p. 149.
7 Brady's Introduct. p. 149. 8 Statutes, vol. 1. p. 122.
9 Knyghton, col. 2466.
10 Statutes, vol. 1. p. 401. T. Wykes, p. 112.
11 Statutes, vol. 1. p. 63. 69, &c.

reign,

reign, the ſmaller barons in each county were repreſented by two, in ſome by three, and in ſome by four commiſſioners; and the repreſentation of cities and boroughs was ſtill more unſettled [12]. We even meet with one parliament in this reign, in which there was not ſo much as one clergyman; and with another to which not only the archbiſhops, biſhops, abbots, and priors, but even the archdeacons, with a repreſentative of every chapter, and two repreſentatives of the inferior clergy of every dioceſe, were called [13]. In a word, nothing can be more certain than this, that the conſtitution of the parliament of England was far from being fixed and uniform in the reign of Edward I. In general, however, we may obſerve with pleaſure, that the frame of theſe aſſemblies gradually approached nearer and nearer to that admirable model which hath been ſo long eſtabliſhed, and hath contributed ſo much to the preſervation of our rights and liberties.

Great influence of the crown in parliament.

This unſettledneſs of the form of parliaments gave the crown too great an influence in theſe aſſemblies; and ſome other circumſtances ſtill further added to that influence. As the great barons, in the times we are now delineating, delighted to reſide at their caſtles in the country, and had but little taſte for tedious political inveſtigations, the ſeſſions of parliament were commonly very ſhort. This made it neceſſary to prepare

12 Brady's Introduct. p. 151.

13 Chron. T. Thorn, col. 196. Brady's Introduct. p. 155.

buſineſs

buſineſs in ſuch a manner, that it might be diſpatched in a little time, and without much expence of thought. With this view, the laws which the king deſired to have enacted, were drawn up by the council or the judges, in the form of ſtatutes, read in parliament, and at once either paſſed or rejected [14]. Several of our ancient ſtatutes bear evident marks of their having been made in this manner [15].

Triers of petitions.

As one great end of parliament was to redreſs both general and particular grievances, eſpecially ſuch as could not be redreſſed by any other means, many petitions were preſented to every parliament for that purpoſe. To prevent their ſpending any time in reading and conſidering trifling or unreaſonable petitions, certain perſons were appointed by the king, ſome time before the meeting of a parliament, to be receivers and triers of petitions from the ſeveral parts of his dominions. On the firſt day of the parliament, proclamation was made at the door of the houſe, and other public places, that all perſons who had any petitions to preſent, ſhould give them in to thoſe who had been appointed to receive them [16]. As theſe receivers and triers of petitions were named by the king, they probably acted under his direction; and they ſeem to have borne a very great reſemblance to the lords of the articles in the parliament of Scotland [17].

14 Hale's Hiſt. Common Law, ch. 1. p. 13, 14.
15 Statutes, vol. 1. p. 52, 53.
16 Ryley Placita Parliamentaria, p. 240.
17 Eſſays on Britiſh Antiquities, p. 49.

There

There is no evidence that the parliament of England was divided into the two houſes of lords and commons, in the reign of Edward I.; and it is moſt probable that it ſtill continued to form only one great aſſembly. But as this aſſembly conſiſted of ſeveral diſtinct orders of men, as biſhops, abbots, priors, earls, barons, knights, citizens, and burgeſſes; and as theſe different orders had different and ſometimes oppoſite intereſts, it is highly probable that one or more of theſe orders did retire into a ſeparate room, on ſome occaſions, and held conſultations by themſelves. This we know with certainty, that though the convocations of the clergy, in this period, made commonly only one aſſembly, and ſat in one houſe, yet at ſome times they divided into four troops, as they were called, of which the biſhops made one troop, the deans and archdeacons another, the abbots and priors a third, and the proctors of the inferior clergy a fourth; and each troop deliberated by itſelf[18]. The repreſentatives of cities and burghs, who were ſummoned to the parliament at Shrewſbury, A. D. 1283, appear to have met at the village of Acton-Burnel, while the reſt of the parliament ſat at Shrewſbury. A little before this (January 20, the ſame year), there were three diſtinct parliaments at the ſame time, in three different cities, one at Northampton, one at York, and one at Durham, to each of which the king

Only one houſe of parliament.

[18] Hody's Hiſtory of Convocations, part 3. p. 153.

ſent

ſent commiſſioners to repreſent his perſon, as he was then engaged in the conqueſt of Wales [19].

Method of terminating a ſeſſion of parliament.

When the buſineſs of a ſeſſion of parliament was finiſhed, it was diſmiſſed by proclamation; of which it may be proper to give one example, near the end of this reign, A. D. 1305: "All archbiſhops, biſhops, and other prelates, earls and barons, knights of counties, citizens, burgeſſes, and other people of the commons, who have come at the commandment of our ſovereign lord the king to this parliament; the king thanks them much for their coming; and wills, that when they pleaſe, they may return into their own countries, provided that they come back, immediately and without delay, when they are remanded; except the biſhops, earls, barons, and juſtices, and others, who are of the council of our ſovereign lord the king, who ſhall not depart without the ſpecial licence of the king. Thoſe alſo who have buſineſs may ſtay, and proſecute their buſineſs. And the knights who have come for the counties, and the others who have come for the cities and borroughs, may apply to ſir John de Kirkeby, and he will cauſe them to have briefs to receive their wages in their own countries. And the ſaid John de Kirkeby, in conſequence of this proclamation, will deliver to the chancellor the names of the knights who have come for the counties, and the names of the others who have come for the

[19] Hody's Hiſtory of Convocations, part 3. p. 378—383.

"cities and borroughs; and it is proclaimed, "that all who deſire to have briefs for their ex-"pences, as is ſaid above, ſhall apply there for "theſe briefs[20]." When a ſeſſion of parliament had been terminated in this manner, the king, on the next occaſion, might either call a new parliament, or command the ſheriffs to ſend the members of the former parliament, cauſing others to be elected in the room of ſuch as had died or were infirm[21]. The firſt of theſe methods was moſt commonly purſued.

Petitions anſwered by the king and council.

The ſeſſions of parliament, in this period, were ſo ſhort, and the members of them ſo impatient to return to their reſpective countries, that many petitions commonly remained unanſwered, and many appeals undetermined. The king, with the biſhops, earls, barons, juſtices, and others of his council, anſwered theſe petitions and determined theſe appeals; which is the reaſon that they, together with thoſe who had buſineſs depending, were commanded to ſtay till they received permiſſion to depart. After that very ſeſſion of parliament, which was terminated by the above proclamation, when it had continued about three weeks, the king and his council gave anſwers to no fewer than one hundred and ſix petitions[22].

Courts, &c.

In the preceding period, a brief deſcription was given of the ſeveral courts, judges, and magiſtrates,

[20] Ryley's Placit. Parliament. p. 241.
[21] Brady's Introduct. p. 152.
[22] Ryley's Placit. Parliament. p. 241—265.

which were eſtabliſhed in England by the Normans, for the adminiſtration of juſtice and execution of the laws; and therefore it will be ſufficient in this place to mention the moſt important change sthat were made in theſe particulars, in the courſe of this period [23].

Court of common pleas.

By the ſeventeenth article of the Great Charter of king John, it was declared, "Common pleas "ſhall not follow our court, but ſhall be held in "ſome certain place [24]." To carry this article into execution, a court was ſome time after erected, for the trial of common pleas and controverſies among the ſubjects, called the *Court of Common Bench* or *Common Pleas*, and ſettled at Weſtminſter, where it ſtill continues [25]. But as new inſtitutions are not brought to perfection at once, many perſons, for ſeveral years after the erection of this court, brought their common pleas into the exchequer, which gave occaſion to the following ſtatute, A. D. 1300: "No common pleas ſhall "be from henceforth holden in the exchequer, "contrary to the form of the Great Charter [26]." This court, at its firſt inſtitution, conſiſted only of three judges [27].

Court of king's-bench.

About the ſame time the court of king's-bench was erected for the trial of criminal actions and pleas of the crown, which, as well as common pleas, had formerly been held in the exchequer.

[23] See vol. 6. chap. 3. p. 22—28.
[24] Id. ibid. p. 397.
[25] Dugdale's Origines Juridicales, ch. 18. p. 38.
[26] Statutes, vol. 1. p. 143.
[27] Dugdale, p. 39.

Though

Though the perſons who were ſummoned to attend this court, were commanded to appear (*coram ipſo rege*) before the king himſelf; the advantages of its remaining at a known and convenient place, were ſo many and obvious, that it continued to ſit almoſt conſtantly at Weſtminſter, except a few ſhort occaſional removes[28]. A ſtatute was indeed made, A. D. 1300, that the juſtices of the king's-bench ſhould always follow him, that he might have ſome ſages of the law near him at all times[29]. But this ſtatute doth not ſeem to have produced any great or permanent effect. It was the duty and prerogative of the judges of this high court, from its firſt inſtitution, "to correct "the injuries and errors of other courts and "judges[30]."

Chancery.

The moſt important inſtitutions are ſometimes introduced by ſuch ſlow and imperceptible degrees, that it is next to impoſſible to point out their origin. This ſeems to have been the caſe with reſpect to the court of chancery, as a ſupreme court of review and equity. When the *aula regis* or *king's court* flouriſhed in its ancient undivided dignity, the chancellor ſat as a judge in it, with the high juſticiary, and other great officers of the crown; and after the courts of the king's-bench and common pleas were erected, he continued to ſit as one of the judges in the exchequer; but it

28 Dugdale, p. 38.
29 Statutes, vol. 1. p. 143.
30 Bracton, l. 3. c. 10.

doth not appear, that in this reign he had any diſtinct court or juriſdiction of his own [31].

Exchequer.

As the eſtabliſhment of the courts of the king's-bench and common pleas very much diminiſhed the buſineſs, it alſo impaired the power and dignity, of the exchequer, which was very much confined, as a court of law, to the trial of ſuch cauſes as reſpected the revenues of the crown, or its own officers and dependents [32].

Theſe courts ſometimes removed.

Though the courts of exchequer, king's-bench, and common pleas, were for the moſt part ſettled at Weſtminſter in this reign; they were ſometimes removed to other places, that they might be near the king, when he was engaged in the wars of Wales and Scotland. In the 6th and 11th of Edward I. they were removed to Shrewſbury; in the 26th to York; and in the 21ſt the court of king's-bench ſat at Roxburgh in Scotland [33]. But the inconveniences which attended theſe removes were ſo ſenſibly felt, that they became gradually leſs frequent.

Juſtices of aſſize.

By the ſtatute, commonly called Weſtminſter the ſecond, chapter 30, A. D. 1285, juſtices of aſſize and niſi prius were appointed to go into every ſhire, two or three times a year, for the more ſpeedy adminiſtration of juſtice [34]. As theſe juſtices of aſſize were alſo judges in the courts at

[31] Madox Hiſt. Exchec. ch. 21. p. 564. &c.
[32] Dugdale's Orig. Jurid. p. 36. Madox, chap. 20. p. 548.
[33] Id. ibid. ch. 20. p. 552, 553. Hale's Hiſt. C. L. p. 200.
[34] Statutes, vol. 1. p. 98.

Weſtminſter, they performed their circuits into the country in the times of the vacations of theſe courts. By another ſtatute, A. D. 1299, the juſtices of aſſize are appointed to be juſtices of gaol-delivery in all places on their circuits [35].

Juſtices of traile-baſton.

But all theſe courts and judges were not ſufficient to prevent the commiſſion of many atrocious crimes, and to keep his ſubjects in that peace and good order which Edward I. deſired. With a view to put a ſtop to the perpetration of ſuch crimes, by the ſevere and ſpeedy puniſhment of thoſe who were guilty of them, he appointed a kind of civil inquiſitors, and ſent them into different parts of the kingdom, with commiſſions to try and puniſh all murderers, incendiaries, robbers, and thieves, all who beat and wounded jurymen, or others, out of malice, with all who hired, aſſiſted, and protected them, &c. &c. Theſe commiſſioners, who were commonly called *juſtices of traile-baſton*, executed their commiſſion with much ſpirit, put many of theſe audacious criminals to death, and obliged others to abandon their country to avoid the ſame fate [36].

Juſtices of the peace.

To ſuppreſs riots and tumults, to puniſh ſmall offences, and determine leſſer controverſies, and particularly to execute the decrees of the parliament of Wincheſter, this wiſe prince appointed conſervators or juſtices of the peace in every county; but at the ſame time he aboliſhed the

35 Statutes, vol. 1. p. 135.

36 Ryley's Placita, p. 280. Spelman Gloſſ. voc. *Traile-Baſton.*

office of high juſticiary, as inveſted with too much power to be intruſted in the hands of any ſubject [37].

Trial of the judges.

Edward I. not only made theſe ſalutary changes in the courts and magiſtrates, but he watched over them with great attention, and puniſhed them when they were guilty of flagrant injuſtice or oppreſſion. At his return from France, where he had reſided three years, great complaints were made to him of the rapacity and extortions of the judges. To examine theſe complaints, he called a parliament at Weſtminſter, A. D. 1290, at which all the judges being tried, were found guilty (except two) and ſeverely fined. Sir Thomas Wayland, chief juſtice of the common pleas, appearing the greateſt delinquent, was baniſhed, and his whole eſtate confiſcated [38]. This tranſaction was exceedingly popular, and productive of the beſt effects.

Statute law.

Several excellent ſtatutes were made in the reign of Edward I. which contributed not a little to the melioration of the conſtitution, and the more regular adminiſtration of juſtice. It was on account of theſe wiſe and good laws, that ſir Edward Coke gave this prince the title of the Engliſh Juſtinian. Some of theſe ſtatutes reſpected the church, and were intended to ſet bounds to the power of the pope, the riches of the clergy, and the encroachments of the ſpiritual

37 Spelman Gloſſ. voc. *Juſticiarius.*

38 Chron. T. Wikes, p. 118. Chron. Dunſtap. an. 1290. Ryley's Placita Parliament. p. 451.

courts.

courts [39]. Others of them were calculated for explaining, confirming, and enlarging the liberties which had been granted by the Great Charter, and the charter of the foreſts; and particularly for reſtraining the crown from impoſing taxes without the conſent of parliament [40]. Very prudent regulations were made by the ſtatute of Wincheſter, for ordering the internal police of the country, and preventing thefts and robberies; and the ſtatutes of Acton-Burnel, and *De Mercatoribus*, contain regulations no leſs prudent, for the encouragement of trade [41]. But for a more perfect knowledge of the many excellent laws that were made in this reign, the reader muſt be referred to the ſtatute book, and the works quoted below [42].

Common law.

It is impoſſible to give a better deſcription of the great improvements that were made in the common law of England, in the reign of Edward I. than in the following words of ſir Matthew Hale: "Upon the whole matter it appears, "that the very ſcheme, mold, and model of the "common law, eſpecially in relation to the admi- "niſtration of the common juſtice between party "and party, as it was highly rectified, and ſet in "a much better light and order by this king, "than his predeceſſors left it to him, ſo in a very "great meaſure it has continued the ſame in all "ſucceeding ages to this day; ſo that the mark

[39] Statutes, vol. 1. p. 72. 118. 160.

[40] Id. ibid. p. 131. 139. 156. [41] Id. ibid. p. 75. 112. 115.

[42] Coke's Inſtitutes, Blackſtone's Commentaries, Barrington's Obſervations, Hale's Hiſt. C. L.

"or epocha we are to take for the true ſtating of "the law of England, what it is, is to be con- "ſidered, ſtated, and eſtimated, from what it was "when this king left it. Before his time it was "in a great meaſure rude and unpoliſhed, in "compariſon of what it was after this reduction "thereof; and on the other ſide, as it was thus "poliſhed and ordered by him, ſo hath it ſtood "hitherto, without any great or conſiderable al- "teration [43].

Prerogatives of the crown.

The prerogatives of the crown were ſo unſettled in the times we are now conſidering, that they depended very much on the character and capacity of the prince who wore it. Henry III. being a weak prince, was at ſome times deprived almoſt of all authority by his too powerful barons; but his ſon and ſucceſſor Edward I. ſupported the dignity and prerogatives of his crown with greater vigour, and repelled the attacks that were made upon them with ſpirit. Of this it will be ſufficient to give one example. When the barons demanded, A. D. 1301, that the great officers of the crown ſhould be named by parliament, the king returned ſuch a fierce denial, as ſtruck terror into thoſe haughty chieftains, and brought them to beg his pardon for their preſumption [44]. The truth is, this prince was too fond of power, and puſhed his prerogatives beyond the limits which had been preſcribed by the charters. For ex-

43 Hale's Hiſtory of the Common Law, p. 162, 163.
44 Parliament. Hiſt. vol. 1. p. 118.

ample,

ample, it was ſtipulated by the 12th article of the Great Charter,—"That no ſcutage or aid ſhall "be impoſed, except by the common council of "the kingdom[45]." But Edward paid little regard to this article, and extorted money from his ſubjects on many occaſions, by his own authority[46]. By the 39th article of the ſame charter, no freeman was to be impriſoned but by the regular courſe of law[47]. But there is the cleareſt evidence, that Edward and his miniſters impriſoned many perſons, and detained them long in priſon, on mere ſuſpicion or ill-will. Of this the archbiſhop of Canterbury made the following complaint in parliament, A. D. 1290: "That very "many freemen of the kingdom had, without "any guilt on their part, been committed by the "king's miniſters to divers priſons, as if they had "been ſlaves of the meaneſt degree, therein to "be kept: of whom ſome died in priſon, with "hunger, or grief, and the weight of their chains. "From others they extorted, at their pleaſure, "infinite ſums of money for their ranſoms[48]." In a word, it was declared publicly from the bench by the miniſters and judges of this prince, "That, "for the common utility, the king was, in many "caſes, above the laws and eſtabliſhed cuſtoms of "the kingdom[49]:" a dangerous maxim, hardly compatible with a free and legal government.

45 See vol. 6. p. 396.
46 Statutes, vol. 1. p. 133. 141.
47 See vol. 6. p. 409.
48 Ellys's Tracts, vol. 2. p. 7.
49 Ryley's Placit. Parliament. p. 77.

Theſe

History of the charters.

These obſervations ſufficiently account for the extreme reluctance of Edward I. to confirm the Great Charter, and the charter of the foreſts. This reluctance appears to have been ſo great, that nothing but neceſſity could have overcome it. Nor was he involved in this neceſſity till the 25th year of his reign, A. D. 1297, when being at war with France and Scotland, and in the greateſt diſtreſs for money to carry on theſe wars, a powerful party of the Engliſh nobility, headed by the two great earls of Hereford and Norfolk, poſitively refuſed to follow him into Flanders, complained bitterly of his illegal exactions, and loudly demanded the confirmation of the charters, which had been ſo long neglected. Edward uſed every art to allay this riſing ſtorm; but finding this impoſſible, and dreading a rebellion in England while he was in Flanders, he gave a commiſſion to his ſon prince Edward to call a parliament, for the redreſs of grievances, and confirmation of the charters; which were accordingly confirmed with great ſolemnity, October 10, in full parliament at London [50]. The ſtatute of confirmation being tranſmitted to the king, he gave his aſſent to it under the great ſeal, at Ghent, November 5. After his return into England he confirmed theſe famous inſtruments, March 8, A. D. 1299, in a parliament at London; and again in another parliament at the ſame place, March 16, A. D. 1300;

[50] Statutes, vol. I. p. 131.

and

and finally in a parliament at Lincoln, February 14, A. D. 1301 [51]. At each of theſe confirmations new devices were invented to render theſe admired ineſtimable charters (which contributed ſo much to eſtabliſh and aſcertain the liberties of England) more public, ſacred, and inviolable [52].

Revenues of the crown.

Though Edward I. was an excellent œconomiſt, the almoſt inceſſant wars in which he was engaged involved him in expences which his ſtated revenues could not ſupport. To ſupply this deficiency, he made frequent and, commonly ſucceſsful applications to his people in parliament [53]. But on ſome occaſions he had recourſe to more unjuſtifiable methods of repleniſhing his coffers. From the Jews he extorted prodigious ſums of money at different times; and at laſt he ſeized the whole poſſeſſions of that devoted people, baniſhing the owners out of the kingdom [54]. Though he was really a friend to trade, yet when his want of money was great and urgent he ſometimes made too free with the caſh and goods of merchants. Before his departure on his expedition into Flanders, A. D. 1297, he ſeized great quantities of wool and leather belonging to the merchants, for no other reaſon, but that it was the moſt ſpeedy and effectual means of procuring money [55]. At the

[51] See Judge Blackſtone's moſt correct and valuable Hiſtory of the Charters, p. 92—115.

[52] Blackſtone's Hiſt. of the Charters, p. 92—115.

[53] Parliament Hiſt. vol. 1. p. 136.

[54] Walſing. p. 54. Heming. vol. 1. p. 20. Trivet, p. 266.

[55] Walſing. p. 69. Trivet, p. 296. Heming. vol. 1. p. 52.

ſame

ſame time he took by mere force, without any other plea but that he had need of them, immenſe quantities of corn and great multitudes of cattle, for the uſe of his army[56]. Nor did this prince abſtain from laying violent hands on the property of the church, however ſacred it was then eſteemed. At one time he ſeized all the money and plate in the monaſteries and churches; and at another, all the poſſeſſions of the clergy, for refuſing to grant him a ſubſidy[57]. Theſe acts of tyranny and oppreſſion will hardly appear credible in the preſent age. But nothing was more difficult than to teach even the beſt and wiſeſt of our ancient kings this plain fundamental principle of the conſtitution,—*That they had no right to the property of their ſubjects, unleſs it was granted to them by parliament.*

Wales. EDWARD I. made great efforts to reduce the whole iſland of Britain into one kingdom, governed by the ſame ſovereign, and ſubject to the ſame laws. With reſpect to Wales he ſucceeded in his deſign. After he had accompliſhed the conqueſt of that country by the force of arms, he was at great pains to gain a perfect knowledge of its ancient conſtitution and laws, and of the manners of its inhabitants. With this view, he gave a commiſſion to the biſhop of St. David's and others, to inveſtigate theſe matters in the moſt careful and authentic manner. No fewer than one

[56] Heming. vol. 1. p. 110, 111.
[57] Walſing. p. 65. Heming. vol. 1. p. 107.

hundred

hundred and ſeventy-two of the moſt reſpectable and intelligent perſons were examined upon oath, by theſe commiſſioners, who upon their evidence, formed a report[58]. Having obtained this neceſſary information, he held a parliament at Rhuydland in Flintſhire, May 24, A. D. 1282, and in it united Wales to the kingdom of England, and introduced into it as many of the Engliſh laws, cuſtoms, courts, and magiſtrates, as he thought convenient at that time[59].

Scotland.

EDWARD was not ſo ſucceſsful in his deſigns upon Scotland, though the acquiſition of that kingdom ſeems to have been the favourite wiſh of his heart, during the laſt twenty years of his life. His firſt ſcheme for uniting the two Britiſh kingdoms, by the marriage of his eldeſt ſon prince Edward, to Margaret of Norway, heireſs of the crown of Scotland, was juſt and honourable; but it was unhappily defeated by the death of that princeſs. The various methods of art and force, which he afterwards employed for accompliſhing this end, have been already related. Amongſt other means, he endeavoured to introduce the Engliſh laws, cuſtoms, and modes of judicial proceedings, into thoſe parts of Scotland where his power prevailed. "It ſeems very evident (ſays "ſir Matthew Hale), that the deſign of Ed"ward I. was by all means poſſible to unite the

58. See Leges Walliæ, Append. Judge Barrington's Obſervat. p. 99.
59. See Statutum Walliæ, in the Statutes at Large.

"kingdoms

" kingdom of Scotland, as he had done the prin-
" cipality of Wales, to the crown of England, ſo
" that Britain might have been one entire mo-
" narchy, which could never have been better
" done, than by eſtabliſhing one common law and
" rule of juſtice among them; and therefore he
" did, as opportunity and convenience ſerved,
" tranſlate over to that kingdom as many of our
" Engliſh cuſtoms and laws as within that compaſs
" of time he conveniently could [60]." But as all Edward's efforts to unite Scotland to England finally failed, they ſerved only to kindle a moſt violent and implacable animoſity between the people of theſe two kingdoms, which gradually rendered their manners, laws, and cuſtoms, more diſſimilar than they had been in more ancient and amicable times.

SECTION III.

Changes in the Conſtitution, Government, and Laws of Britain, from the acceſſion of Edward II. A. D. 1307, *to the acceſſion of Edward* III. A. D. 1327.

FEW characters were more different than thoſe of Edward I. and of his ſon and ſucceſſor Edward II. The laſt of theſe princes being a weak indolent voluptuary, without talents for war, po-

[60] Hale's Hiſt. C. L. p. 204.

litics,

litics, or legiſlation, was the property of worthleſs, greedy favourites, to whom he abandoned both the treaſures and government of his kingdom. In this reign we cannot expect to meet with great improvements in the conſtitution, government, and laws; and therefore on theſe heads it merits very little attention.

Conſtitution of parliament.

The conſtitution of parliament became gradually more ſettled and uniform in the courſe of this reign; though its meetings were ſometimes very tumultuary, occaſioned by the violent animoſities of the contending parties. When a parliament was moſt full and general in this period, it conſiſted of the following claſſes or orders of men,—all the archbiſhops, biſhops, abbots, priors, deans, archdeacons, two repreſentatives from the chapter of each cathedral, and two repreſentatives of the inferior clergy of each dioceſe,—all the earls and greater barons, with the judges, and all the members of the king's council, both of the clergy and laity, two knights from each county, and two citizens from each city, and two burgeſſes from each burgh. The firſt parliament in this reign, which met at Northampton October 13, A. D. 1307, was conſtituted in this manner [1]. The expences of all who were called to this parliament as repreſentatives of the clergy, as well as of the laity, were borne by their conſtituents [2]. The clerical repreſentatives poſſeſſed the ſingular privilege of ſubſtituting others in their room, when it was not

[1] Dugdale's Summons, p. 56. [2] Hody's Hiſt. Convocat. p. 391.

conve-

convenient for them to attend [3]. But all the parliaments of this reign were not ſo full and general as the firſt; for we find that to ſome of them the deans, archdeacons, and the repreſentatives of chapters, and of the inferior clergy, were not ſummoned [4]. In a word, the two firſt Edwards, and their miniſters, ſeem to have modelled their parliaments as beſt ſuited their particular views. When they deſigned to aſk the advice, or demand the pecuniary aſſiſtance, of all the different orders of their ſubjects, they called a general parliament; but when they wanted only the counſel and contributions of their prelates and barons, who poſſeſſed the far greateſt ſhare both of the power and riches of the kingdom, they called only a particular parliament, conſiſting of theſe prelates and barons. This not only appears probable, from an attentive conſideration of the circumſtances in which theſe different kinds of parliaments were called; but is directly aſſerted to have been the caſe, by an archbiſhop of Canterbury, who flouriſhed in thoſe times, in a letter to the pope:—"It is the cuſtom of the kingdom of Eng-"land, that in thoſe public contingencies which "affect the ſtate of that kingdom, the counſel of "all who are particularly concerned is required [5]." The inferior clergy, and the inhabitants of cities and towns were ſo poor, and contributed ſo little to tenths and fifteenths, that ſometimes no de-

3 Hody's Hiſt. Convocat. p. 389. 4 Id. p. 390.
5 M. Weſtmonſt. an. 1301. p. 439.

mand

mand was made upon them, and then they were not required to ſend repreſentatives to parliament. The twentieth, for example, that was granted in the firſt parliament of Edward II. by the earls, barons, and knights, amounted, in the county of Bedford, to 72ol. 12s. 7d.; while the fifteenth, granted by the citizens and burgeſſes, produced in all the towns of the ſame county, only 31l. 18s. 4¼d[6]. Nor did the towns bear a much higher proportion to the counties in other parts of England. But as cities and towns increaſed in wealth, their contributions to the public expences, and their importance in other reſpects, became more conſiderable; and then they were conſtantly called upon to ſend their repreſentatives to parliament, in which they ſoon acquired a much greater influence than the counties, by their ſuperior numbers.

Parliament not yet divided into two houſes.

The parliament of England doth not appear to have been ſtatedly divided into two houſes in this reign; though each of the ſeveral orders of which it conſiſted, occaſionally retired and conſulted apart about its own particular concerns. In theſe ſeparate conſultations, the knights of ſhires commonly, if not conſtantly, ſat with the earls and barons, as having been originally of the ſame order; and always granted the ſame proportion of their goods with the earls and barons. The repreſentatives of cities and burghs, who were really citizens and burgeſſes, inhabitants of the places

6 Carte, vol. 2. p. 308. from the Rolls in the Pipe-Office.

which they repreſented, formed one body, and held conſultations about the affairs of trade, and about granting aids to the crown; and they commonly granted a greater proportion of their moveables than the earls, barons, and knights, becauſe they owed their eſtabliſhment and franchiſes to the crown, and depended upon it for further immunities [7].

Clergy in parliament nearly equal to the laity.

The clergy were nearly equal to the laity in number, as well as in wealth and dignity, in the parliaments of England in this period. The biſhops, abbots, and priors, correſponded to the earls and barons, and were alſo ſummoned in the ſame manner, by a particular writ directed to each of them: the deans and archdeacons correſponded to the knights of ſhires, and were ſummoned by the biſhop, as the knights were by the ſheriff of the county: and the repreſentatives of the chapters of cathedrals, and of the inferior clergy, who were called the *ſpiritual commons*, correſponded to the repreſentatives of cities and burghs [8]. The clergy alſo granted their own money in parliament, and ſometimes in a different proportion from the laity [9]. Theſe circumſtances and ſome others, made the favour of the clergy an object of great importance to the prince, in the times we are now conſidering.

Courts.

"It ſeems," ſays a learned hiſtorian of the law, "that the certain fixing of the court of common-

7 Carte, vol. 2. p. 246—260.

8 Dugdale's Summons, p. 92, &c. Pryn. Parl. Writ. vol. 2. p. 77.

9 Rights of an Engliſh Convocation, p. 39, &c.

"pleas

" pleas at Weſtminſter, occaſioned much more " reſort thereto than before; for about the be- " ginning of Edward II.'s reign there were ſo " many ſuits therein, as that the king was neceſ- " ſitated to increaſe the number of his juſtices, " who were to ſit there, unto ſix, which com- " monly were not above three before that time; " and ſo to divide them, that they might ſit in " two places [10]." The judges in this court were afterwards increaſed to ſeven, and at laſt to nine; though they have long ſince been reduced to four, who ſit all in one place. In proportion as the buſineſs of the court of common-pleas increaſed, that of the exchequer, in which theſe pleas had formerly been tried, declined [11]. The members of the king's council ſtill continued to poſſeſs great judicial powers, and acted as barons of the exchequer, as well as determined many cauſes in the laſt reſort, which could not be overtaken by parliaments in their ſhort ſeſſions [12].

Statute law.

Few ſtatutes of laſting utility or great importance were made in the turbulent unhappy reign of Edward II. By the ancient common law of England, breaking priſon was a capital crime, even though the perſon had been committed for a ſlight offence. The unreaſonable ſeverity of this law or cuſtom was corrected by a ſtatute made in a parliament at Northampton, 1ſt Edward II. A. D. 1307, which decrees,—" That none from

[10] Dugd. Origin. Jurid. p. 39. [11] Madox, Hiſt. Exchеq. p. 548.
[12] Madox, Hiſt. Exchеq. p. 565, &c.

"henceforth that breaketh priſon ſhall have judg-
"ment of life or member, for breaking priſon
"only, except the cauſe for which he was taken
"and impriſoned did require ſuch judgment, if
"he had been convict thereupon according to the
"law and cuſtom of the realm, albeit in times
"paſt it hath been uſed otherwiſe[13]." The prices of proviſions of all kinds being very high A. D. 1314, parliament attempted to reduce and fix them at a certain rate by law; but that law produced a famine, was ſoon repealed[14].

Common law.

The common law, when it could be exerciſed, continued in the ſame improved ſtate to which it had attained in the preceding reign[15]. But the regular adminiſtration of juſtice was frequently interrupted by civil broils; and the rage of party was ſometimes ſo violent, that ſeveral noble perſons were deprived of their fortunes, and even of their lives, without ſo much as the pretence or form of a trial.

Prerogatives of the crown.

The limits of the prerogatives of the crown, and the previleges of the people, were in this period ſo unſettled, that they depended very much on the perſonal character of the king. As Edward II. was a weak prince, he was ſoon deprived of the moſt eſſential prerogatives of his crown, and, in the third year of his reign, compelled, by a powerful faction of his barons, to give a

[13] Statutes, vol. 1. p. 164.
[14] Parliament. Hiſt. vol. 1. p. 151. 153. Walſing. an. 1314.
[15] Hale's Hiſt. C. L. ch. 8. p. 166.

commiſ-

commiſſion to twelve great men, named by parliament, to govern both his kingdom and his houſehold with unbounded ſway [16]. By this commiſſion the royal authority was almoſt annihilated, and a tyrannical ariſtocracy eſtabliſhed. This, like every other violent breach in the conſtitution, produced much confuſion and miſery for ſeveral years; the barons labouring to preſerve the power they had gained, and the king to recover the authority he had loſt. In the mean time, the people ſuffered all the diſtreſſes ariſing from anarchy and civil diſcord, aggravated by famine, and the deſtructive incurſions of the Scots. The king, after a ſtruggle of twelve years, was reſtored to all the prerogatives of his crown, by his victory over the earl of Lancaſter and his confederates at Boroughbridge, A. D. 1322. For ſoon after that victory a parliament was held at York, in which all the ordinances which had been made by the twelve commiſſioners, and for the ſupport of which the confederated barons had taken arms, were repealed,—"becauſe by the "things which were ordained, the king's power "was reſtrained in many things, contrary to "what was due to his ſeigniory royal, and con-"trary to the ſtate of the crown [17]." But this weak unfortunate prince, about five years after this, was deprived, firſt of his crown, and afterwards of his life.

[16] Ryley, Placit. Parliament. p. 526. 529.
[17] Parl. Hiſt. v. 1. p. 176.

Revenues.

The hereditary revenues of the crown of England, which at the acceſſion of Edward II. were very great, were in a little time very much diminiſhed by his unbounded liberality to his worthleſs inſatiable favourite Piers Gavaſton [18]. By the ſame means, all the money which had been provided by his father for the relief of the Holy Land, and for the expedition againſt Scotland, was conſumed, and he was reduced to a ſtate of indigence very unbecoming the royal dignity. In the courſe of his reign, particularly after the deſtruction of the earl of Lancaſter and his party, many great eſtates came to the crown, and he alſo obtained ſeveral tenths and fifteenths from parliament. But all theſe eſtates and ſums of money were laviſhed on his favourites, eſpecially on the two d'Eſpenſers. It muſt however be acknowledged, that this miſguided prince never attempted to ſupply his wants, which were often very preſſing, by impoſing tallages or taxes of any kind without conſent of parliament. But there is ſome reaſon to ſuſpect, that this abſtinence was rather owing to want of power, than to a conſcientious regard to the conſtitution.

Conſtitution, &c. of Scotland.

As ſoon as the renowned Robert Bruce found himſelf firmly ſeated on the throne of Scotland, by the deciſive victory at Bannockburn, he began to thing of re-eſtabliſhing order, and the regular adminiſtration of juſtice in that unhappy kingdom, which had long been a ſcene of the moſt deplorable

[18] Rymer, vol. 4. p. 99, 91.

anarchy

anarchy and confuſion. With this view he held a parliament at Scone, A. D. 1319, conſiſting of the biſhops, abbots, priors, earls, barons, and other noblemen of his realm [19]. In this parliament a capitulary, or collection of ſtatutes, conſiſting of thirty-four chapters, was formed; in which there are many things remarkable. The nineteenth law, which is for nouriſhing peace and love, recites, that from the death of king Alexander there had been great diſcords and animoſities among the nobles of the realm; and therefore, to put an end to theſe, and to nouriſh peace and love, it is defended and forbidden, that one nobleman do any hurt to another, or to any of his men [20]. By the twentieth law, ſuch as invent or ſpread rumours which may occaſion diſcord between the king and his people, are to be impriſoned during the king's pleaſure [21]. Another ſyſtem of laws, conſiſting of thirty-eight chapters, was formed in a parliament at Glaſgow, A. D. 1325. By the thirty-third chapter of theſe laws, it appears, that the enmity between the clergy and laity was ſo great, that they were not admitted to be witneſſes againſt each other in a court of juſtice [22]. By the twenty-ſixth ſtatute, very great precautions are directed to be taken, to prevent a woman who pretended to be with child at the death of her huſband, from impoſing a ſuppoſititious child on his family. She was immediately to be committed

[19] Regiam Majeſtatem, p. 339. [20] Id. p. 344.
[21] Id. p. 345. [22] Id. p. 368.

to the cuſtody of a matron of undoubted integrity. When within a month of her delivery, ſhe was required to invite the friends of her late huſband to come and live with her during that month. As ſoon as her pains began, guards were to be placed at the door of her houſe, with orders to ſearch every perſon who deſired admittance. Three candles were to be burning in the room all the time ſhe was in labour; and as ſoon as the child was born, it was to be exhibited to the view of the friends of the family [23]. Many of the laws in both the capitularies of Robert I. are evidently borrowed from Engliſh ſtatutes of Henry III. and Edward I.; and ſome of them are tranſcribed almoſt *verbatim* [24]. This is a proof both of the wiſdom and magnanimity of Robert Bruce, who did not diſdain to borrow uſeful regulations from his greateſt enemies.

The parliament of Scotland, in the former part of this period, appears to have been conſtituted according to the model of the Engliſh parliament in the Great Charter of king John. Burgeſſes were introduced into that parliament, which was held by Robert I. in the abbey of Cambuſkenneth, in July A. D. 1326, which conſiſted of the earls, barons, burgeſſes, and all the other freeholders of the kingdom, who granted that illuſtrious prince, for his whole life, the tenth part of the rents of all

23 Regiam Majeſtatem, p. 366.

24 Compare Weſtminſt. 3d ſtat. vol. 1. p. 122. with 2d ſtat. Robert I. ch. 24.

their

their lands, according to the old extent of their lands and rents in the time of Alexander III. in conſideration of the great diminution of the lands and revenues of the crown, in the courſe of the long war, and of the great things which the king had done and ſuffered for preſerving the independency of the kingdom [25]. It is remarkable, that none of the clergy are mentioned as being preſent in this parliament, though in the record it is called a full parliament. This makes it highly probable, that the clergy had a convocation about the ſame time, for the purpoſe of making a ſimilar grant. In a word, there was ſtill a very great reſemblance between the laws of the two Britiſh kingdoms, though they had been many years in a ſtate of the moſt violent and fierce hoſtility.

SECTION IV.

Changes in the Conſtitution, Government, and Laws of Britain, from the acceſſion of Edward III. A. D. 1327, *to the acceſſion of Richard* II. A. D. 1377.

IN the long and glorious reign of Edward III. ſeveral important changes were made in the conſtitution, government, and laws of England, which merit our attentive conſideration.

As the parliaments of England have been the guardians of its liberties, the framers of its laws, Parliaments

[25] Lord Kames's Law-Tracts, Apend. N° 5.

the

the impoſers of its taxes, the great counſellors of its kings, and the ſupreme judges of the lives and properties of its people, in every age, the ſtate of thoſe illuſtrious aſſemblies, their conſtituent members, and other circumſtances, claim the firſt and chief attention, of all who wiſh to trace the hiſtory of the conſtitution with any degree of accuracy.

very frequent. Edward III. appears to have been fond of parliaments, and never neglected to conſult them on any affair of importance. By this means that wiſe prince obtained the beſt advice, and moſt hearty concurrence and ſupport, of his ſubjects, in his arduous undertakings; which were generally crowned with ſucceſs. His writs of ſummons to no fewer than ſeventy parliaments and great councils, are ſtill extant; and afford a ſufficient proof of his fondneſs for thoſe aſſemblies, and that he called a far greater number of them than any other king of England [1].

Parliaments and great councils. The diſtinctions between parliaments and great councils ſtill ſubſiſted; and Edward III. called ſometimes the one and ſometimes the other, as the ſtate of his affairs required. When he deſired only the advice and aſſiſtance of his great barons, who ſtill poſſeſſed the far greateſt part of the power and property of the kingdom, he called a great council conſiſting of all the great men, both of the clergy and laity, who held of the crown by barony, and were intitled to a particular ſummons [2]. When he ſtood in need of the counſel

[1] Dugdale's Summons to Parliament, p. 139–292. [2] Ibid

and

and aid of all his ſubjects, he called a full parliament, which conſiſted, not only of the barons, ſpiritual and temporal, but alſo of the repreſentatives of the inferior clergy,—of the ſmaller barons, or freeholders,—and of the citizens and burgeſſes of the kingdom; and thoſe repreſentatives of the clergy and laity below the rank of barons, were called *the ſpiritual and temporal commons*. But as parliaments poſſeſſed greater authority in granting ſupplies, making laws, and in all other things, than great councils, they were more frequently called [3].

Number of repreſentatives.

The number of repreſentatives ſent to parliament by each county, city, and borough, in this reign, was not invariably fixed. Only one repreſentative from each city and borough was ſummoned to the parliament which met at Weſtminſter 26th Edward III.; and only one knight from each county was ſummoned to that which met the year after at the ſame place, though two repreſentatives from each city and borough were called to this laſt [4]. At length the general rule of ſending two members from each county, city, and borough, was ſo uniformly obſerved, that by cuſtom it became a law.

The number of towns and boroughs which ſent members to parliament, in the times we are now conſidering, was ſtill more unfixed and variable. This ſeems to have depended very much on the

[3] Dugdale's Summons to Parliament.
[4] Brady's Introduct. p. 158. 160.

ſheriffs

ſheriffs of the ſeveral counties to whom the king's writ was directed, commanding them to cauſe a certain number of citizens (moſt commonly two) to be elected for each city, and of burgeſſes for each borough, within their counties. To theſe officers the people of ſmall towns and boroughs, who were unable or unwilling to pay the wages of their repreſentatives, frequently applied; and many of them by one means or other, were excuſed or overlooked [5]. In general, the repreſentatives of cities and boroughs were much fewer in this period than they are at preſent [6]. It is obvious, that this unſettled ſtate of parliaments added much to the authority and influence of the crown in thoſe aſſemblies; and we learn from hiſtory, that this influence was ſometimes employed in packing parliaments for the moſt pernicious purpoſes; particularly by the queen mother, and her favourite Mortimer in the beginning of this reign [7].

Parliament divided into three bodies.

It is perhaps impoſſible to diſcover the preciſe time when the parliament of England was divided into the two houſes of lords and commons, meeting ſtatedly in different places, and forming two great and diſtinct aſſemblies. None of our ancient hiſtorians give any account of this event, ſo remarkable in itſelf, and productive of ſo many important conſequences; nor is there any law con-

5 Brady of Boroughs, p. 54. 59.
6 Biſhop Ellys's Tracts, vol. 2. p. 123.
7 Rym. Fœd. t. 4. p. 453.

cerning

concerning it in the ſtatute-book. It is highly probable, that this cuſtom of meeting in two ſeparate chambers was introduced almoſt inſenſibly, and eſtabliſhed without much noiſe or obſervation. It hath been already obſerved, that in the two preceding reigns the ſeveral orders of men of which the parliament conſiſted, ſometimes retired into ſeparate rooms, and deliberated by themſelves about affairs in which they were particularly concerned. This practice we may preſume, being found convenient in many reſpects, became gradually more and more frequent, till at length it ſettled into a cuſtom. At firſt, the parliament commonly divided into three bodies for their ſeparate deliberations; the clergy forming one of theſe bodies; the earls, barons, and knights of ſhires, another; and the citizens and burgeſſes a third. Of this, if it were neceſſary, many examples might be given. When Edward III. aſked the advice of his parliament, which met at Weſtminſter March 12, A. D. 1332, about the moſt effectual means of ſuppreſſing certain audacious bands of robbers which infeſted ſeveral parts of the kingdom, the prelates and proctors of the clergy went apart to conſult by themſelves, the earls, barons, and knights of ſhires by themſelves, and the citizens and burgeſſes by themſelves. After ſome time had been ſpent in theſe ſeparate conſultations, the whole parliament reaſſembled, received the reports of theſe ſeveral bodies, and out of them, by common conſent, one general

advice

advice was formed, and preſented to the king[9]. The ſame method of proceeding was followed when the crown demanded ſupplies. The demand was made in full parliament; on which each of theſe three bodies deliberated ſeparately, and ſettled the proportion of their goods or money which they propoſed to grant. This is the reaſon that the grants of theſe ſeveral bodies are not only in different proportions, but ſometimes even of different kinds, one body granting a certain proportion of their corn and cattle, another a certain quantity of their wool, and a third a certain ſum of money[10]. While the ſeparate conſultations of theſe different bodies were only occaſional, it doth not appear that the citizens and burgeſſes (who may be ſaid to have conſtituted the houſe of commons) had any common ſpeaker, ſettled and choſen for the whole ſeſſion of parliament; but they probably choſe one at each conſultation.

Proctors of the clergy no longer members of parliament.

As the above plan of parliament was not agreeable to many of its members, it was not of long duration. The inferior clergy, in particular, were much diſpleaſed with this ſyſtem, becauſe they knew that they were compelled to ſend their proctors to parliament, with no other view than that they might be prevailed upon, by the preſence and authority of the laity, to make more liberal grants of money to the crown than they would have done in convocation. They laboured, there-

9 Dugdale's Summons, p. 167. Rights of Convocat. p. 58. Parliament. Hiſt. vol. 1. p. 213, &c.

10 Id. ibid. p. 330.

fore,

fore, with the greateſt earneſtneſs, to procure exemption from ſending their repreſentatives to parliament; and at length ſucceeded. For it plainly appears, from the records of the parliament which met at Weſtminſter, April 23, A. D. 1341, that none of the clergy were members but ſuch as held of the king by barony, i. e. archbiſhops and biſhops, and ſome of the richeſt abbots and priors [11]. The crown, it is true, did not then, or even for ſeveral reigns after, formally renounce the right of calling the proctors of the inferior clergy to parliament, but only connived at their abſence, and permitted them to grant their money in their convocations without mingling with the laity. Theſe convocations were commonly held at the ſame time, and in the ſame city, with parliaments; and ſo ſtrict an intercourſe was kept up between theſe aſſemblies, that many things done by the clergy in convocation were reported in parliament [12].

The union between the great barons and the knights of ſhires in their private conſultations, was not very natural, as the former ſat in their own right, and were accountable to none for their conduct, and the latter ſat by election, and were certainly bound to have a particular concern for the intereſts, and even ſome reſpect for the ſentiments, of their conſtituents. The inconveniency of this appeared in the parliament which met at Weſtminſter October 13, A. D. 1339, and no doubt on other occaſions. When the barons and knights

The eſtabliſhment of the houſes of lords and commons.

[11] Hody Hiſt. Convocat. p. 411, 412. [12] Id. p. 412—431.

of

of ſhires in that parliament conſulted together, about an aid to be granted to the king, the barons were willing to give their tenth ſheaf, fleece, and lamb; but the knights declined giving ſo large a grant till they had conſulted their conſtituents; which occaſioned a delay very fatal to the king's affairs. This union between the barons and knights ſeems to have been diſſolved about that time. For the king having called a parliament to meet at Weſtminſter April 23, A. D. 1343, ſent ſir Bartholomew Burgherſh to aſk their advice, whether he ſhould make a peace with the king of France under the mediation of the pope, or not? And ſir Bartholomew having propoſed this queſtion to the whole parliament, deſired the prelates and barons to deliberate upon it among themſelves, and alſo deſired the knights of counties and commons to aſſemble in the painted chamber; and conſult about the ſame matter; and both to meet in full parliament on Thurſday May 1, and report their advice [13]. On this occaſion we find the two houſes of lords and commons completely formed; the firſt compoſed of all the clergy and laity who held of the crown by barony, and were ſummoned by particular writs directed to each member; the ſecond, of the repreſentatives of all the ſmaller barons, citizens, and burgeſſes; an excellent inſtitution, which hath continued, with ſome ſhort interruptions and ſmall variations, through more than four centuries.

[13] Parliament. Hiſt. vol. 1. p. 251.

This

This permanent diviſion of the parliament into the two houſes of lords and commons was attended with many advantages, and contributed more than any other event to the improvement of the conſtitution. Each of theſe houſes conſiſting of much fewer members than the whole parliament, and theſe members being nearly of the ſame rank in ſociety, their deliberations were conducted with greater calmneſs and regularity. The commons, being no longer under the eye of potent and haughty barons, in whoſe preſence they hardly dared to ſpeak, took courage, and gradually acquired greater weight and influence. Every law underwent the examination of two diſtinct aſſemblies, jealous of each other's power, and watchful over each other's conduct, before it was preſented to the king for his aſſent. Each of the two houſes was a check upon the other; by which neither of them was permitted to encroach on the privileges of the other, or on the prerogatives of the crown. In a word, by this happy diviſion of the parliament of England into the two houſes of lords and commons, with the king at their head, the rights of all ranks of people were ſecured, and the Engliſh conſtitution acquired the peculiar advantages of the three moſt famous forms of government, monarchy, ariſtocracy, and democracy, without their diſadvantages. This is one part of the policy of England, which Scotland, to its unſpeakable loſs, never imitated.

Happy effects of this eſtabliſhment.

It required a conſiderable time to bring the union of the knights of ſhires with the citizens and burgeſſes

Gradual union of the knights and commons.

geſſes to perfection. Many years after they were united, the members of the lower houſe of parliament were conſtantly denominated, "the knights "of ſhires and commons;" and the former were reputed of a higher order in ſociety than the latter, who were really inhabitants of the cities and boroughs they repreſented [14]. On ſome occaſions, the knights of ſhires, having finiſhed their buſineſs, were diſmiſſed, when the citizens and burgeſſes were detained in order to lay impoſts upon certain goods, and to regulate the affairs of trade, which was conſidered as their peculiar province [15]. That they might be properly qualified for doing this, this king, in his writs of ſummons, ſometimes directed cities and boroughs to elect ſuch of their members to repreſent them as were the moſt expert mariners, or moſt intelligent merchants [16]. But by degrees all theſe diſtinctions vaniſhed, and cities and boroughs were repreſented by gentlemen of the beſt families and greateſt fortunes in the kingdom.

Humility of the commons.

After the knights, citizens, and burgeſſes, were united into one aſſembly, and formed the lower houſe of parliament, they treated the prelates and great barons, who formed the other houſe, with the greateſt reſpect and deference on all occaſions, and ſeemed to entertain very humble thoughts of their own power and political abilities. When matters of great moment, or of great difficulty,

[14] Parliament. Hiſt. vol. I. paſſim. [15] Id. p. 313.
[16] Id. p. 314.

came

came before them, they commonly applied to the lords, and petitioned, that certain prelates and barons might be allowed to come to them, and aſſiſt them with their advice [17]. In theſe meetings of the commons with a committee of the lords, the nature and quantity of the ſupplies to be granted to the crown were ordinarily ſettled, and afterwards reported in full parliament.

Miſtake of parliament.

The parliaments of this period, in regulating the ſupplies, ſometimes betrayed a degree of ignorance of the ſtate of their country, which would be perfectly incredible, if it were not ſo well atteſted as to preclude all doubt. The parliament which met at Weſtminſter, February 24, A.D. 1371, granted the king an aid of 50,000 l. and in order to raiſe it, impoſed a tax of 22s. 3d. upon every pariſh, ſuppoſing the number of pariſhes to be about forty-five thouſand. But it was ſoon found, that they did not amount to a fifth part of that number; and conſequently that the tax impoſed would not have raiſed a fifth part of the ſum granted [18]: A moſt aſtoniſhing miſtake, to be committed by ſo numerous an aſſembly compoſed of the greateſt and moſt intelligent perſons in the kingdom!

Singular aſſembly.

The method which was taken to rectify the miſtake abovementioned was alſo very ſingular. Inſtead of reaſſembling the former parliament, or calling a new one, the king ſummoned a certain number of prelates and lords, together with one

17 Parliament. Hiſt. vol. 1. p. 315.

18 Cotton's Abridg. from the Parliament-roll, 45th Ed. III.

half of the knights, citizens, and burgeſſes, who had been members of the laſt parliament, all named by himſelf in his writs of ſummons, to meet at Wincheſter, June 8th [19]. This very remarkable aſſembly aſſumed the authority of a parliament, and raiſed the tax on each pariſh to 5l. 10s. Such a meaſure would not have been thought of in a more mature and ſettled ſtate of government.

Lawyers excluded from parliament.

In the days of chivalry and ſuperſtition, when diſputes were more frequently determined by the ſword, or by ordeals, than by law, the profeſſion of a lawyer was neither very lucrative nor very honourable, and conſequently was embraced by few men of probity and credit. This brought the profeſſion into ſuch diſgrace, that practiſing lawyers were declared incapable of being choſen members of parliament, by a ſtatute, 46th Edward III. A. D. 1372 [20]. But the gentlemen of that profeſſion have long ſince wiped off that reproach, and recovered their place in parliament, where many of them have acted, and ſtill continue to act, a part highly honourable to themſelves and advantageous to their country.

Change in the manner of making laws.

When the houſe of commons was completely formed, a new mode of making ſtatutes was introduced. The commons, towards the concluſion of every ſeſſion, preſented, in the preſence of the lords, certain petitions for the redreſs of grievances to the king; which he either granted, denied, or

[19] Brady, vol. 2. p. 161.
[20] Carte Hiſt. from Records, vol. 2. p. 482.

delayed. Thoſe petitions that were granted were afterwards put into the form of ſtatutes by the judges, and other members of the king's council, inſerted in the ſtatute-roll, and tranſmitted to ſheriffs to be promulgated in their county-courts[21]. But this inaccurate manner of making laws was attended with many inconveniencies; and the commons had too often reaſon to complain that the ſtatutes did not exactly correſpond with their petitions. They had ſtill better reaſon to complain of Edward III. for repealing a ſtatute by his proclamation, which had been made in conſequence of their petitions which he had granted, on this very ſtrange pretence,—that he had diſſembled when he granted their petitions, to avoid the miſchiefs which a denial would have produced[22]. In a word, though the conſtitution and form of the parliament of England was much improved, and its authority much increaſed, in the courſe of this long and glorious reign, it was ſtill very far from that degree of perfection in both theſe reſpects to which it hath ſince attained.

Many ſtatutes were made in this period, which contributed not a little to the improvement of the common law, and to the ſecurity of the rights and privileges of the people. The Great Charter was confirmed by no fewer than ten acts of parliament; and ſome articles of it were explained and enlarged[23]. Several good laws were made for the

Statute law.

21 Hale's Hiſt. C. L. p. 14.

22 Statutes, vol. 1. p. 237.

23 Statutes, vol. 1. p. 192—333.

ſpeedy and impartial adminiſtration of juſtice, and againſt thoſe dangerous aſſociations, which were then common, for ſupporting each other in their law-ſuits[24]; the king's prerogative of pardoning convicts, particularly murderers, which had been very improperly exerciſed, was limited by various ſtatutes[25]; the inſtitution of juſtices of the peace was confirmed and improved, and their powers enlarged[26]; the intolerable grievance of purveyance for the king's houſehold was mitigated[27]. The ſtatute of 25th Edward III. chap. 2. intitled, —"A declaration, which offences ſhall be adjudged treaſon," is certainly a wiſe and good law. The ſame may be ſaid of 4th Edward III. chap. 14, "That a parliament ſhall be holden every year once;" and of 36th Edward III. chap. 15, "That pleas ſhall be pleaded in the Engliſh tongue;" and of ſeveral others, for the knowledge of which the reader muſt be referred to the ſtatute-book.

Impracticable ſtatutes.

Many of the laws that were made in the reign of Edward III. and ſtill ſtand in the ſtatute-book, are become impracticable, and may be ſaid to be repealed by thoſe prodigious changes in the ſtate and circumſtances of the kingdom, which four centuries have produced. Such are the laws relating to the ſtaple of wool and other goods,—the ſumptuary laws preſcribing the dreſs and diet of

[24] Statutes, vol. 1. p. 195. 199. 204. 210. 223, &c.
[25] Id. ibid. p. 196. 218, &c. [26] Id. ibid. p. 195. 198. 240, &c.
[27] Id. ibid. p. 202. 206. 219. 261, &c.

perſons

perſons of different ranks,—the ſtatutes which ſettle the wages of labourers and the prices of proviſions; and many others[28]. Theſe obſolete impracticable ſtatutes are valuable monuments of antiquity, and ought to be carefully preſerved; but the propriety of retaining them in our code of laws, which would be ſufficiently voluminous without them, may be doubted.

Common law.

It ſeems to be impoſſible to give a better or ſhorter account of the ſtate of the common law in this period, than in the words of its learned hiſtorian: "King Edward III. ſucceeded his father. "His reign was long, and under it the law was "improved to its greateſt height. The judges "and pleaders were very learned. The pleadings "are ſomewhat more poliſhed than thoſe in the "time of Edward II.; yet they have neither uncertainty, prolixity, nor obſcurity. They were "plain and ſkilful; and in the rules of law, "eſpecially in relation to real actions and titles of "inheritance, very learned, and excellently poliſhed, and exceeded thoſe of the time of Edward I. So that at the latter end of this king's "reign, the law ſeemed to be near its meridian[29]."

Prerogatives of the crown.

Few attempts were made to deprive the crown of its juſt prerogatives in the reign of Edward III. The power of pardoning was indeed confined within reaſonable limits by law, which, it is

[28] See Statutes at Large, *temp.* Ed. III.

[29] Hale's Hiſt. Com. Law, p. 167, 168.

probable, was not diſagreeable to the king; as it relieved him from importunate petitions, that were not fit to be granted. Parliament, in the fifteenth year of his reign, taking advantage of his neceſſities, made a bold attack on the prerogative, by demanding that on the third day of every ſeſſion all the great officers of the crown ſhould be diveſted of their offices, and called to account for their conduct by parliament, and that if any of them were found culpable, they ſhould be finally deprived of their offices and others ſubſtituted in their room. With this demand Edward found it neceſſary to comply, in order to obtain a large ſupply of money, of which he ſtood in the greateſt need. But he ſoon recovered the power he had loſt, by boldly repealing this act of parliament, to which he had given his aſſent, declaring in a proclamation, that his aſſent had been involuntary, and that the act in queſtion was inconſiſtent with the prerogatives of the crown, which he was bound, by his coronation-oath, to maintain [30]. Nor was this the only arbitrary unconſtitutional action in the adminiſtration of Edward III. In ſpite of the Great Charter, which he had often confirmed, and of ſeveral other laws, he frequently extorted money from his ſubjects, without the conſent of parliament, by his own authority [31]. All the remonſtrances and petitions of the houſe of commons could never prevail upon him, clearly and

[30] Statutes at Large, vol. 1. p. 237.
[31] Cotton. Abridg. p. 17, 18. 39. 47. 52, 53. &c. &c.

explicitly,

explicitly, to relinquiſh that prerogative; for in the very laſt year of his reign, he affirmed, in the face of his parliament, that he had a right to impoſe taxes on his ſubjects, when it was neceſſary for the defence of the realm [32].

Revenues of the crown.

The hereditary revenues of the crown of England during the whole of that period, which is the ſubject of this book, were derived from thoſe ſources which have been deſcribed already, in the third chapter of the third book of this work [33], Edward III. it is ſaid, received no leſs than thirty thouſand pounds a-year from Ireland; and, in time of peace, it is probable he received alſo conſiderable ſums from his dominions on the continent [34]. Theſe ſettled hereditary revenues were abundantly ſufficient for defraying all the expences of the civil government, and for maintaining the royal family in affluence and ſplendour; but they were far from being ſufficient for ſupporting thoſe long expenſive wars which he carried on in France and Scotland. Thoſe wars involved him in great debts and difficulties, and obliged him to make frequent importunate applications to parliament for pecuniary aids, as well as to employ ſeveral other methods neither ſo juſt nor honourable. The luſtre of Edward's perſonal accompliſhments, and great victories, rendered him ſo popular, that his applications to parliament for money were

32 Cotton, Abridg. p. 152.

33 See vol. 6. p. 15—18. 34—43.

34 Walſing. p. 350.

ſeldom

ſeldom unſucceſsful; and he obtained far more frequent and liberal grants than any of his predeceſſors[35]. To enable us to form ſome idea of the value of theſe parliamentary grants, and of the ſums of money which he extorted from his ſubjects by other methods, it may be proper to give a very brief account of them for one year. The parliament which met February 3, A. D. 1338, granted him one half of next ſummer's wool which was collected and ſold for 400,000l[36]. About the ſame time he ſeized all the money, jewels, and other goods, of the Lombard merchants in London; and took into his own hands all the revenues of the alien priories, and retained them twenty years; and borrowed great ſums of money from ſeveral abbeys. That parliament granted alſo an additional duty of two ſhillings on every ton of wine imported, over and above all former cuſtoms. Another parliament met that ſame year in October, at Northampton, and granted a fifteenth, beſides the pre-emption of all the wool in the kingdom at a very low price; and the clergy in convocation granted a tenth for two years[37]. The people of England never had greater reaſon to complain of taxes than in this memorable year, in which their king aſſumed the title of *king of France:* an event that proved fatal to the peace and proſperity of both kingdoms, and, amongſt

35 See Parliament. Hiſt. 36 Knyghton, col. 2570.
37 Parliament. Hiſt. vol. 1. p. 225—228.

many

many evils of which it was productive, contributed not a little to multiply and perpetuate taxes.

Title of duke introduced.

About a year before Edward III. aſſumed the title of *king of France*, he introduced a new order of nobility, to inflame the military ardour and ambition of his earls and barons, by creating his eldeſt ſon prince Edward duke of Cornwall. This was done with great ſolemnity, in full parliament at Weſtminſter, March 17, A. D. 1337, by girding the young prince, with the ſword, and giving him a patent, containing a grant of the name, title, and dignity of a *duke*, and of ſeveral large eſtates, to enable him to ſupport that dignity [38]. This high title was alſo conferred by Edward on his couſin Henry earl of Lancaſter, and on two of his own younger ſons, the princes Lionel and John, at different times, but with the ſame ſolemnities [39].

Conſtitution of Scotland.

AFTER the death of King Robert I. Scotland relapſed into a ſtate of diſorder and diſtreſs almoſt equal to that from which it had been reſcued by the wiſdom, valour, and good fortune of that illuſtrious prince. The competition for the crown between the Bruce and Baliol families was again revived, and the partiſans of theſe families alternately triumphed, and were defeated. King David Bruce, who finally prevailed in this long and fatal

38 Selden's Titles of Honour, p. 621. Rymer, tom. 4. p. 735.
39 Selden, p. 622.

conteſt,

conteſt, ſpent above nine years of his reign, an exile in France, and eleven years of it a priſoner in England. It is not to be imagined, that in this unfortunate reign, which continued forty years, any great improvements could be made in the laws and government of a country in ſuch unhappy circumſtances. Two capitularies or ſyſtems of laws, which are ſaid to have been made in the reign of David II. are publiſhed among the ancient laws of Scotland[40]; but there is good reaſon to ſuſpect, that the laws contained in the firſt of theſe capitularies are not genuine. All amerciaments for delinquencies are by theſe laws appointed to be paid in cattle, and not in money, which was not the cuſtom of Scotland in the fourteenth century[41]. It is hardly to be ſuppoſed, that the parliament of Scotland in this period could be capable of making the following law: "It is ſtatute by the king, that if any man kills "another man's dog unjuſtly, he ſhall watch his "dunghill a year and a day[42]." Some other laws in this collection are ſtill more abſurd. The laws contained in the ſecond of theſe capitularies ſeem to be genuine, and ſome of them are of the ſame import with Engliſh ſtatutes of this period[43]. But it is not probable that theſe laws were made, according to the title prefixed to them, "in a par-"liament holden at Scone, by king David II.

[40] Regiam Majeſtatem, p. 370—390. [41] Id. p. 370.
[42] Chap. 15.
[43] Compare Regiam Majeſtatem, p. 382—390. with Statutes of Edward III.

"November

"November 6, A. D. 1347." becauſe that prince was then a priſoner in England, and a great part of Scotland had ſubmitted to Edward Baliol. It ſeems to be impoſſible to diſcover with certainty at what time, and by whom, the four books of laws called *Regiam Majeſtatem* were compoſed and publiſhed. They are by many learned men aſcribed to David II. chiefly for this reaſon that they do not think it probable that they were ſo ancient as David I. But this argument is evidently not concluſive; and the character given in the preface to theſe laws of that king, at whoſe command they were collected, cannot, with any regard to truth, be applied to David II[44]. A collection of laws made by Robert II. in a parliament at Scone, May 2. A. D. 1372, are publiſhed among the ancient laws of Scotland[45]. In theſe ſtatutes, the diſtinction between murder committed with deliberate purpoſe, and manſlaughter committed in a ſudden guſt of paſſion, called *chaudmelle*, is clearly marked[46]: a diſtinction founded in reaſon, and worthy of the moſt ſerious attention of all criminal judges. In the ſeventeenth and laſt chapter of theſe laws the members of the parliament of Scotland at that time are thus enumerated and deſcribed:—"Prelates, and "procurators of prelates, and others of the clergy, "earls, barons, and burgeſſes[47]." From the ſame ſtatute we learn, that the king, at the concluſion

44 See Regiam Majeſtatem, Preface.
45 Id. p. 391.
46 Id. p. 391—393.
47 Id. p. 398.

of

of this parliament, promiſed, on the word of a prince, that he would obſerve all the laws that had been made in it; and his eldeſt ſon, afterwards Robert III. and all the members of the parliament, both clergy and laity, took a ſolemn oath on the holy goſpels to the ſame purpoſe [48]: a ſufficient proof that laws had not a proper degree of authority, when ſuch a ceremony was thought neceſſary.

SECTION V.

Changes in the Conſtitution, Government, and Laws, of Britain, from the acceſſion of Richard II. A. D. 1377, *to the acceſſion of Henry* IV. A. D. 1399.

THE conſtitution and government of England may not improperly be compared to a ſhip that hath been long at ſea, expoſed to many violent ſtorms, and in frequent danger of being beat to pieces. Few of thoſe ſtorms were more violent than that which was raiſed by the villains or common people in the country, A. D. 1381, and threatened the ſubverſion of all order, law, and government [1]. But as the hiſtory of that dangerous commotion hath been already given, it is ſufficient to obſerve in this place, that it made no change in the conſtitution, and that the

48 Regiam Majeſtatem, p. 398.

1 Walſing. p. 247—279.

peaſants

peaſants engaged in it were reduced to the ſame ſtate of depreſſion and ſervitude under which they had formerly groaned [2].

Parliament. The parliament of England having undergone many changes, and aſſumed various forms, about the beginning of this reign approached very near to that happy form in which it hath almoſt ever ſince continued. It then conſiſted, as it doth at preſent, of the two houſes of lords and commons, which regularly met, and held their deliberations in two diſtinct apartments.

Houſe of lords. The houſe of lords conſiſted of all the great men, both of the clergy and laity, who held immediately of the crown by barony, which comprehended all the archbiſhops and biſhops, many abbots, and a few priors, who were the lords ſpiritual; all the dukes, earls, and barons, who were the lords temporal. Every ſpiritual and temporal lord received a particular ſummons to every parliament [3]. The juſtices of the king's bench and common pleas, and the members of the king's privy council, who were neither prelates nor barons, were alſo ſummoned in the ſame manner [4]. According to this ſcheme, the houſe of lords, in the firſt parliament of Richard II. conſiſted of the archbiſhops and biſhops, twenty-two abbots, and two priors, one duke, thirteen earls, forty-ſeven barons, and twelve judges and privy counſellors [5]. A greater number of abbots

[2] Statutes, vol. 1. p. 352. [3] Dugdale's Summons, &c. p. 293.
[4] Dugdale's Summons, &c. p. 296. [5] Id. ibid.

and

and priors were ſummoned to ſome parliaments than to others[6]. To that of 49th Henry III. no fewer than ſixty-three abbots and thirty-ſix priors were ſummoned; whereas not a fourth part of that number were called to ſeveral ſubſequent parliaments in this period[7]. The chief reaſon of this great variation ſeems to have been this, that theſe prelates, in order to be relieved from the expence and trouble of attending parliaments, laboured earneſtly to procure exemptions from that ſervice, in which many of them ſucceeded. Thoſe of them who could plead that they did not hold their lands *per baroniam* (by barony) of the crown, were immediately exempted[8]. The king claimed and exerciſed the prerogative of calling up to the houſe of lords, by a particular ſummons to each of them, ſome of the moſt opulent and illuſtrious knights, though they did not hold their lands of the crown by barony; and ſuch of theſe knights as were regularly ſummoned for a conſiderable time, became lords of parliament, and barons, by virtue of theſe writs of ſummons. This honour was commonly continued to their heirs, who were ſummoned to parliament in the ſame manner[9]. In this reign the cuſtom of creating barons by patent was introduced, conferring upon the perſon ſo created, and his heirs-male, the honour and dignity of a baron by a certain title, with all the other privileges of the

[6] Selden, Tit. Hon. p. 596—604.
[7] Dugdale's Summons, p. 1, 2.
[8] Selden, Tit. Hon. p. 605—608. [9] Id. p. 591—610.

peerage.

peerage. Sir John Beauchamp of Holt, ſteward of the houſehold to Richard II. was the firſt baron in England of this kind, who was created lord Beauchamp, baron of Kidderminſter, by patent, A. D. 1388 [10]. At the concluſion therefore of this period, the houſe of lords conſiſted of barons of three different kinds, viz.—barons by tenure,—barons by writs of ſummons,—and barons by patent.

The houſe of commons, conſiſting of the knights of ſhires, with the repreſentatives of cities and boroughs, was now ſo completely formed, that it was found neceſſary to chuſe one of their own members, at the beginning of every parliament, to preſide in their debates, and communicate what they thought proper, in their name, to the king and the houſe of lords. The member who was choſen to perform theſe offices was very properly called *the ſpeaker of the houſe of commons*. Sir Peter de la More, knight of the ſhire for the county of Hereford, was choſen ſpeaker by the commons in the firſt parliament of Richard II. A. D. 1377, and is the firſt upon record who bore that honourable office [11]. At his firſt appearance before the king in the houſe of lords, at the head of the commons, he made the following proteſtation: "That what he had to de- "clare was from the whole body of the com- "mons; and therefore required, that if he ſhould

House of commons.

[10] Selden, Tit. Hon. p. 617, 618.
[11] Cotton. Abridg. p. 155. Parliament. Hiſt. p. 339.

"happen to ſpeak any thing without their con-
"ſent, that it ſhould be amended before his de-
"parture from the ſaid place[12]." Sir James Pickering, the ſecond ſpeaker on record, made this humble requeſt in the name of the commons, "That if he ſhould utter any thing to the pre-
"judice, damage, ſlander, or diſgrace of the
"king, or his crown, or in leſſening the honour
"or eſtates of the great lords, it might not be
"taken notice of by the king, and that the lords
"would paſs it by, as if nothing had been ſaid;
"for it was the moſt ardent deſire of the com-
"mons, to maintain the honour and eſtate of the
"king, and the rights of the crown, as alſo to
"preſerve the reverence due to the lords in all
"points[13]." The king, by his chancellor, or ſome other great officer, made a ſpeech at the opening of every parliament, repreſenting the reaſons of calling it, the greateſt of which commonly was,—to obtain a grant of money; and this, it was inſiſted, ſhould be made before they entered on any other buſineſs[14]. The ſum to be granted, and the ways and means of raiſing it, were commonly ſettled in a committee of lords and commons, and ſometimes even by the lords, at the requeſt of the commons[15]. The clergy ſtill continued to grant their own money in convocation, and treated every attempt of the parlia-

[12] Cotton. Abridg. p. 155. Parliament. Hiſt. p. 339.
[13] Id. 350.
[14] Biſhop Ellys's Tracts, vol. 2. p. 91, from the Records.
[15] Parl. Hiſt. vol. 1, p. 353. 360.

ment

ment to tax them as illegal and unconſtitutional [16]. When the parliament at Northampton, A. D. 1380, propoſed to raiſe one hundred thouſand pounds, by a capitation-tax upon the laity, provided the clergy raiſed fifty thouſand, which was their juſt proportion, ſince they poſſeſſed a third part of the kingdom; the clergy, who were then met in convocation at the ſame place, made this haughty reply, "That their grants were never "made in parliament, nor ought to be; and that "laymen neither could nor ſhould conſtrain them "in that caſe [17]." When the ſupplies were ſettled, the commons were permitted to preſent their petitions to the king in the houſe of lords, and ſuch of them as were granted were formed into ſtatutes, in the manner that hath been already mentioned [18].

Modeſty of the houſe of commons.

The houſe of commons, even after it was fully eſtabliſhed, acted with much modeſty and diffidence, and ſeems to have ſtood in awe of the king and the houſe of lords. Of this many examples might be produced; but the following one will probably be thought ſufficient. One Thomas Haxey, a clergyman, and a member of the houſe of commons in that parliament which met at Weſtminſter, January 22, A. D. 1397, propoſed to the conſideration of the houſe, a law for reducing the expences of the king's houſehold, and preventing too great a number of bi-

16 Parl. Hiſt. vol. 1. p. 361. Hody's Hiſt. Convoc. part 3. p. 229.
17 Parl. Hiſt. p. 361. 18 See p. 148.

ſhops and ladies from reſiding at court. The king being informed of this propoſal, was much incenſed; and ſending for the peers, told them, that he underſtood there was a bill brought into the houſe of commons, intrenching upon thoſe prerogatives and royalties which his predeceſſors had enjoyed, and which he was determined to maintain; and commanded the lords ſpiritual and temporal to acquaint the commons with this determination, and to charge their ſpeaker, ſir John Buſſy, upon his allegiance, to deliver up the bill, with the name of the perſon who had brought it into the houſe. When the commons received this meſſage, they came before the king in full parliament, delivered up the obnoxious bill, with the name of its author, and expreſſed the deepeſt concern that they had offended his majeſty; moſt humbly praying him to excuſe them, "for that "it never was their intent to ſpeak, ſhow, or act "any thing which ſhould be an offence or give "diſpleaſure to his majeſty." The king was graciouſly pleaſed to accept of their excuſe. But the houſe of lords condemned Mr. Haxey to die the death of a traitor. And this moſt cruel ſentence would probably have been executed upon him, if he had not been a clergyman. But the archbiſhop of Canterbury, with all the other prelates, fell on their knees before the king, and moſt earneſtly begged his life, and the cuſtody of his body; which they obtained [19].

[19] Cotton. Abridg. p. 364.

The

Seſſions of parliament ſhort.

The ſeſſions of parliament in this, as well as in former periods, were commonly very ſhort, which was attended with many inconveniences. Laws were made in haſte, without due deliberation; and affairs of great importance, which ought to have been diſcuſſed in parliament, were left to be determined by the king and his council. To remedy theſe inconveniences, certain expedients were ſometimes employed, which were productive of ſtill greater evils. In the tenth year of this reign, A. D. 1386, the two houſes inveſted a committee of eleven prelates and peers with parliamentary powers, and compelled the king to grant them a commiſſion to exerciſe all the prerogatives of the crown, in order to regulate certain affairs which the parliament could not overtake [20]. By this meaſure the conſtitution was quite ſubverted for a ſeaſon, and before it was reſtored, almoſt all who had been concerned either in oppoſing or promoting the above expedient, were involved in ruin. About ten years after a ſimilar method was adopted, by the parliament that met at Shrewſbury, January 27, A. D. 1398. On the laſt day of a ſeſſion that had laſted only four days, the commons preſented a petition to the king in the houſe of lords, to this purpoſe,—"That "whereas they had before them divers petitions, "as well for ſpecial perſons and others not read "and anſwered, and alſo many other matters and "things had been moved in preſence of the king,

[20] Parl. Hiſt. p. 401.

"which for ſhortneſs of time could not be well "determined, that it would pleaſe his majeſty to "commit full power to certain lords and others, "to examine, anſwer, and diſpatch the petitions, "matters, and things above ſaid, and all de- "pendencies on them[21]." As this parliament was entirely devoted to the court, this petition was readily granted by the king; and twelve lords and ſix commoners were inveſted with parliamentary powers; which they abuſed in ſuch a manner, that they brought deſtruction both on themſelves and on their miſguided ſovereign, who truſted too much to their authority. So dangerous is it for a predominant party to graſp at unconſtitutional powers, which they ſeldom fail to abuſe to their own ruin, as well as to the hurt of their country.

Statute law.

Many laws that were made in the reign of Richard II. have ſtill a place in our ſtatute-book; but the far greateſt part of them have been as effectually repealed by length of time and change of circumſtances, as they could have been by fifty acts of parliament. Of this kind are all the laws for regulating the prices of labour and proviſions, as well as many others[22]. Some very wiſe and good laws were made in this reign for the encouragement of navigation, trade, and commerce. By one of theſe laws it was enacted, that the merchants of England ſhould neither export nor import any goods in any but Engliſh ſhips; which

[21] Parl. Hiſt. p. 492. [22] Statutes, vol. 1. p. 333—424.

may

may be conſidered as our firſt navigation act[23]. Some good laws were alſo made in this reign for increaſing the number, and regulating the proceedings, of juſtices of the peace[24]. Such as deſire a more particular knowledge of the ſtatutes made in this period, may have recourſe to the ſtatute book, and the ingenious work quoted below[25].

Common law.

The common law declined rather than improved in this period. "Richard II. (ſays an excellent "judge) ſucceeding his grandfather, the dignity "of the law, together with the honour of the "kingdom, by reaſon of the weakneſs of this "prince, and the difficulties occuring in his go-"vernment, ſeemed ſomewhat to decline, as may "appear by comparing the twelve laſt years of "Edward III. commonly called *quadrageſms*, "with the reports of king Richard II. wherein "appears a viſible declination of the learning and "depth of the judges and pleaders[26]."

Maintenance.

The barbarous diſorderly cuſtom of maintenance, as it was called, contributed not a little to diſturbed the peace of the country, and prevent the impartial adminiſtration of juſtice. Maintenance, which prevailed very much through the whole of this reign, is thus defined in a ſtatute made in a parliament at Weſtminſter A. D. 1377:—"Divers "people of ſmall revenue of land, rent, or other

23 Statutes, vol. I. p. 351. 398. 24 Id. p. 380. 386. 398, &c.
25 Honourable Daines Barrington's Obſervations on the Statutes, p. 242—282.
26 Hale's Hiſt. C. L. p. 169.

"poſſeſſions, do make great retinue of people, as "well of eſquires as of others, in many parts of "the realm, giving to them hats and other li-"veries, of one ſuit by year, taking from them "the value of the ſame livery, or perchaſe the "double value, by ſuch covenant and aſſurance, "that every of them ſhall maintain other in all "quarrels, be they reaſonable or unreaſonable, "to the great miſchief and oppreſſion of the "people [27]."

Prerogatives of the crown.

The prerogatives of the crown, and the liberties of the people, were both in a very fluctuating unſettled ſtate in the reign of Richard II. In the *hurling times*, as they were called, towards the beginning of this reign, the inſurrections of the commons threatened the diſſolution of all government;—about the middle of it, a powerful combination of the nobles annihilated the prerogatives of the crown, and engroſſed the whole power of the ſtate;—and towards the end of it, the court-party gained the aſcendant; and the weak unhappy Richard, ſupported by a junto of his favourites, inveſted with unconſtitutional powers by an obſequious parliament, acted in a manner ſo arbitrary and imprudent, that he loſt the affections of his ſubjects, and gave an opportunity to a bold uſurper to deprive him of his crown and life. It is difficult to determine, in which of the above ſituations the people were moſt oppreſſed, and the greateſt acts of tyranny were perpetrated.

[27] Statutes, vol. 1. p. 335.

The

The hereditary revenues of the crown were now become quite inadequate to the expences of government, eſpecially when the nation was engaged in war. This obliged Richard II. who was uncommonly expenſive in his houſehold, to make frequent applications to parliaments and convocations for ſupplies, which were granted almoſt every year, and conſiſted, either in additional impoſitions on merchandiſe, or in tenths and fifteenths. A tax of a new and ſingular nature was impoſed by parliament, A. D. 1378. This was a capitation-tax, proportioned to the different ranks and degrees of men in ſociety; and on that account it merits our attention. The proportions were as follows: Revenues of the crown.

A duke, 10 marks;—an earl, 4 l.—a counteſs-dowager, 4 l.—a baron, banneret, or knight who had as good an eſtate as a baron, 2 l.—every bachelor and eſquire, who by eſtate ought to be made a knight, 20 s.—widows of ſuch bachelors and eſquires, 20 s.—eſquires of leſs eſtate, 4 s. 7 d.—widows of ſuch eſquires, 6 s. 8 d.—eſquires without lands, that bear arms, 3 s. 3 d.—chief prior of the hoſpital of St. John, 40 s.—every commander of the order, 20 s.—every knight of the order, 13 s. 4 d.—every brother of the order, 3 s. 4 d.—judges of the king's bench and common pleas, and chief baron of the exchequer, each 100 s.—every ſerjeant and great apprentice of the law, 40 s.—other apprentices of the law, 20 s.—attorneys, 6 s. 8 d.—mayor of London, 4 l.—aldermen of London, 40 s.—mayors of great towns,

40 s.

40 s.—mayors of ſmaller towns, 20 s. 10 s. or 6 s. 8 d.—jurats of good towns, and great merchants, 20 s.—ſufficient merchants, 8 s. 4 d.—leſſer merchants, artificers, and huſbandmen, according to the value of their eſtate, 4 s. 8 d. 3 s. 4 d. 2 s. 1 s. 6 d.—every ſerjeant and freeman of the country, 6 s. 8 d. or 40 d.—the farmers of manors, parſonages, and granges, dealers in cattle, and other tradeſmen, according to their eſtate, 6 s. 8 d. 40 d. 2 s. or 1 s.—advocates, notaries, and proctors, who are married, ſhall pay as ſerjeants of the law;—apprentices of the law, or attorneys, according to their eſtate, 40 s. 20 s. or 6 s. 8 d.—apparitors that are married, according to their eſtate, 3 s. 4 d. 2 s. 1 s.—innkeepers, according to their eſtates, 40 d. 2 s. 1 s.—every married man above the age of ſixteen, for himſelf and wife, 4 d.—every man or woman above ſixteen, and unmarried 4 d.—every ſtrange merchant, according to his abilities [28].

[28] Parliament. Hiſt. vol. 1. p. 346, 347.

THE HISTORY OF GREAT BRITAIN.

BOOK IV.

CHAP. IV.

History of Learning in Great Britain, from the death of king John, A. D. 1216, to the acceſſion of Henry IV. A. D. 1399.

THERE ſeems to have been a ſucceſſion of light and darkneſs in the intellectual as well as in the material world. How bright, for example, was the ſunſhine of the Auguſtan age? and how profound the darkneſs of that long night which ſucceeded the fall of the weſtern empire? From that darkneſs Britain, and ſome other nations of Europe, began to emerge a little in the eleventh and twelfth centuries, as hath been made appear

Plan of the chapter.

appear in the fourth chapter of the preceding book of this work. In the thirteenth and fourteenth centuries, which are the ſubject of our preſent enquiries, though the ſtate of learning was fluctuating, and ſome parts of it perhaps declined a little; yet, upon the whole, the circle of the ſciences was enlarged, and ſome of them were conſiderably improved. This, it is hoped, will be evident from the following very brief account—1. Of the ſciences that were cultivated.—2. Of the moſt learned men who flouriſhed.—3. And of the moſt conſiderable ſeminaries of learning that were eſtabliſhed in Britain in the preſent period.

SECTION I.

An account of the Sciences that were cultivated in Britain from A. D. 1216, *to* A. D. 1399.

ALL the following ſciences were cultivated in the preſent period, as many of them had been in the former, viz. grammar, rhetoric, logic, metaphyſics, phyſics, ethics, ſcholaſtic divinity, the canon law, the civil law, the common law, arithmetic, geography, geometry, aſtronomy, aſtrology, optics, mechanics, chymiſtry, alchymy, medicine, and ſurgery. And as an account hath been already given of many of them, it will not be neceſſary to dwell long upon them in this place [1].

[1] See vol. 6. p. 89—116.

Grammar.

The grammar of the Latin language was not ſtudied with ſo much diligence and ſucceſs in this, as it had been in the former period. I know of no Britiſh writers of the thirteenth and fourteenth centuries who wrote ſuch pure and claſſical Latin as John of Saliſbury, Peter of Blois, Joſeph of Exeter, and ſeveral others, who flouriſhed in the twelfth [2]. The improvement of the Engliſh language, and the more frequent uſe of it even by ſcholars, both in converſation and writing, might be one reaſon that the Latin was not ſtudied with ſo much ardour as formerly. The impatience of the youth of thoſe times to engage in the ſtudy of the canon law, which was then the high way to wealth and honour, was probably another reaſon that they did not employ a ſufficient portion of their time in the ſtudy of the languages [3]. But, whatever might be the reaſons of it, the fact is certain, that the Latin uſed in the moſt celebrated ſeats of learning in the thirteenth century was exceedingly barbarous and ungrammatical. Robert Kilwarby archbiſhop of Canterbury viſited the univerſity of Oxford A. D. 1276, and with great ſolemnity pronounced a ſentence of condemnation againſt the following phraſes, which were commonly uſed, and even defended in that univerſity: "*Ego currit;—tu currit;—currens eſt ego,*" &c. [4] Nor was this ſentence of the primate, though enforced by very ſevere ſanctions, ſufficient to baniſh

2 Bulæi Hiſt. Univerſ. Pariſienſ. p. 556. 3 M. Paris, an. 1254.
4 A. Wood, Hiſt. Univerſ. Oxon. l. 1. p. 125.

thoſe

thoſe barbariſms, or ſilence their defenders; for when his ſucceſſor archbiſhop Peckham viſited Oxford, A. D. 1284, he found it neceſſary to pronounce a ſimilar ſentence againſt the ſame phraſes, and others equally ungrammatical [5].

Greek, Hebrew, &c.

When the Latin language, which was ſo much uſed in churches, colleges, and courts of juſtice, and in compoſitions of all kinds, was cultivated with ſo little care, we cannot ſuppoſe that much application was given to the Greek, Hebrew, and Oriental languages. The truth is, they were totally neglected, except by very few; and theſe few were ſtrongly ſuſpected of being magicians, who ſtudied theſe unknown languages in order to converſe more ſecretly with the devil [6]. The famous Roger Bacon, who was unqueſtionably the moſt learned man of the thirteenth century, and the beſt acquainted with the ſtate of learning, aſſures us, that there were not more than three or four perſons among the Latins in his time who had any knowledge of the Oriental languages. That excellent perſon moſt pathetically lamented this neglect of the languages, and warmly recommended the ſtudy of them by the ſtrongeſt arguments [7].

Rhetoric.

When the knowledge of the languages was ſo defective, rhetoric, or the art of pleaſing, affecting, and perſuaſive ſpeaking, could not be cultivated to great advantage. That part of education

5 A. Wood, Hiſt. Univerſ. Oxon. l. 1. p. 127. 6 Id. ibid. p. 130.
7 R. Bacon, Opus Majus, p. 44—56.

however

however was not quite neglected. Lectures on rhetoric were read in every conſiderable ſeat of learning; and ſuch as excelled in it were advanced to the degree of maſters or doctors in that art [8]. The Dominicans, Franciſcans, and other mendicant friars, ſtudied the arts of declamation with no little diligence; becauſe the ſucceſs of their begging depended very much on the popularity of their preaching. Bederic de Bury, who was provincial of the Auguſtinians in England in the fourteenth century, was greatly admired by his contemporaries, and is celebrated by ſeveral authors for the eloquence of his preaching [9].

Logic. Logic was one of the faſhionable and favourite ſtudies of the times we are now delineating; but unfortunately it was that quibbling contentious kind of logic which contributes little or nothing to the detection of error, the diſcovery of truth, or the improvement of right reaſoning. It is impoſſible to give an Engliſh reader any diſtinct ideas of this wrangling art in a few words; and it would certainly be improper to employ many on ſuch a ſubject. It is ſufficient to ſay that the logic of this period was the art of diſputing without end and without meaning;—of perplexing the plaineſt truths, and giving plauſible colours to the greateſt abſurdities. A logical diſputant of this period was not aſhamed to argue, with as much earneſtneſs as

[8] A. Wood, part 2. p. 4.

[9] Bale Script. Brit. cent. 6. n. 31. Pits de Illuſt. Script. Ætat. xiv. n. 675.

if

if his life had depended on the iſſue of the debate, —"That two contradictory propoſitions might "both be true[10]." If any of my learned readers have a taſte for this kind of erudition, they may amuſe themſelves with explaining the propoſitions in the note below, which were keenly agitated by the logicians of this period[11]. Theſe frivolous unintelligible diſputes were conducted with ſo much eagerneſs, that from angry words the diſputants ſometimes proceeded to blows, and raiſed dangerous tumults in the ſeats of learning[12].

Much cultivated at Oxford.

This trifling contentious kind of logic flouriſhed firſt in the univerſity of Paris, and was brought from thence into the Engliſh univerſities, where it was cultivated with too much ardour, particularly at Oxford, which became very famous in the thirteenth century for the number and ſubtilty of her logical diſputants. The decay of this admired art of wrangling was thus pathetically lamented by an affectionate ſon of that univerſity, towards the end of the fourteenth century:—"That ſubtile logic

10 A. Wood, lib. 1. p. 129.

11 1. Non eſt ſuppoſitio in propoſitione tam pro propoſitis de unitate ſermonis, quam pro ſignificato.

2. Signum non diſponit ſubjectum in compoſitione ad prædiatum.

3. Ex negativis de prædicato finito, ſequitur, affirmativa de prædicato infinito, ſine exiſtentia ſubjecti.

4. Veritas cum neceſſitate prædicati tamen eſt cum exiſtentia ſubjecti *.

12 A Wood, lib. 2. p. 5.

* A. Wood, lib. 1. p. 125. 129.

"and

" and beautiful philoſophy, which rendered our " mother, the univerſity of Oxford, ſo famous " over all the world, is now almoſt extinguiſhed " in our ſchools. As India anciently gloried in " her precious ſtones, and Arabia gloried in her " gold, ſo the univerſity of Oxford then gloried in " the multitude of her ſubtile logicians, and in " her prodigious treaſures of profound philoſophy. " But, alas! alas! with grief I ſpeak it, ſhe is now " hardly able to wipe away the duſt of error and " ignorance from her countenance [13]."

Metaphyſics and phyſics.

The metaphyſics and natural philoſophy of this period, like the logic above deſcribed, were more verboſe, contentious, and ſubtile, than uſeful. Inſtead of inveſtigating the laws of nature and the properties of things, by ſagacious and well-conducted experiments, the natural philoſophers of thoſe times invented a thouſand abſtract queſtions, on which they diſputed with great vehemence, and wrote many tedious and uſeleſs volumes. We may form ſome idea of the ſubjects of the diſputes and writings of thoſe philoſophers from the propoſitions in theſe ſciences which were ſolemnly condemned by archbiſhop Peckham, in his viſitation of the univerſity of Oxford, A. D. 1284; ſome of which the reader will find in the note below [14]. Theſe,

[13] A. Wood, lib. 2. p. 6.

[14] 1. Tot ſunt principia quot principiata.
2. Nulla potentia paſſiva ſeu diminuta eſt in materia.
3. Formacorrumpitur in pure nihil, ſcil. forma ſubſtantialis.
4. Privatio eſt pure non ens, et ipſa eſt in ſupercœleſtibus.
5. Con-

Theſe, and ſome other philoſophical tenets of the ſame kind, particularly this one,—*Quod in homine "tantummodo exiſtit una forma,*"—"That in a "man there is only one form,"—appeared ſo dangerous to the good archbiſhop, that he not only condemned them with much ſolemnity, and ſubjected ſuch as preſumed to teach them to very ſevere penalties; but he alſo wrote an account of this important tranſaction to the pope and cardinals [15].

Experiments.

The very learned and ingenious friar Bacon laboured with great earneſtneſs, both by his example and writings, to give a different turn to the enquiries of his contemporaries into nature, and to perſuade them to have recourſe to experiments; which, he obſerved, were far more convincing and ſatisfactory than abſtract reaſonings. This he illuſtrated by a very familiar example: "Though "it were proved (ſaid he) by ſufficient argu- "ments, to a man who had never ſeen fire before, "that it burnt and deſtroyed things that were put

5. Converſiva eſt generatio animalium ſicut elementorum.
6. Vegetativa et ſenſitiva ſemel ſunt in embryone, et nulla prior alia.
7. Omnes formæ priores corrumpuntur per adventum ultimæ.
8. Subſtantia, quæ eſt genus generaliſſimum, non eſt ſimplex nec compoſita.
9. Minimum in prædicamento generum eſt ſpecies ſpecialiſſima.
10. Tempus non eſt in predicamento quantitatis.
11. Non eſt idem ſecundum ſubjectum toto tempore.
12. Non habetur ab Ariſtotele, quod intellectiva maneat poſt ſeparationem *.

* A. Wood, lib. 1. p. 130.

[15] A. Wood, lib. 1. p. 130.

"into

" into it, he would not be fully convinced of this " truth, by any arguments, till he had put his " hand, or ſome combuſtible thing into the fire; " which experiment would at once remove all " doubt, and bring full conviction [16]." This excellent perſon, as he aſſures us, ſpent no leſs than two thouſand pounds (a great ſum in thoſe times) in conſtructing inſtruments, and making experiments, in the courſe of twenty years; and it is well known, that by thoſe experiments he made many diſcoveries, which have excited the admiration of all ſucceeding ages [17]. But the example and the arguments of this extraordinary man were little regarded by his contemporaries.

Moral philoſophy was taught and ſtudied in the ſchools, in this period, with no little diligence; but in the ſame dry, contentious, and ſophiſtical manner with the other ſciences. Many ſums (as they were then called) or ſyſtems of morality were compoſed, by the moſt learned ſchoolmen, conſiſting of various ſubtile diſtinctions and diviſions on the ſeveral virtues and vices, and of a prodigious number of curious unneceſſary queſtions on each of theſe diviſions. For as the logicians of thoſe times too frequently diſplayed their acuteneſs, by perplexing the plaineſt truths, and giving plauſible colours to the groſſeſt errors; ſo the moral philoſophers often employed all their art in explaining away the obligations of the moſt amiable virtues, Moral philoſophy.

[16] R. Baconi Opus Majus, p. 445.
[17] R. Bacon. in Opere Minore, ch. 17.

and the turpitude of the moſt odious vices. For example, Nicolas de Ultricuria, a famous profeſſor in the univerſity of Paris, A. D. 1300, laboured, in his public lectures, to convince his ſcholars that in ſome caſes theft was lawful and pleaſing to God. "Suppoſe (ſaid he) that a young gentleman "of a good family, meets with a very learned pro- "feſſor (meaning himſelf), who is able in a ſhort "time to teach him all the ſpeculative ſciences, "but will not do it for leſs that one hundred "pounds, which the young gentleman cannot "procure but by theft, in that caſe theft is lawful. "Which is thus proved.—Whatever is pleaſing to "God is lawful;—it is pleaſing to God that a "young gentleman learn all the ſciences;—he "cannot do this without theft:—Therefore theft "is lawful and pleaſing to God[18]." Some ſtill more curious examples of this kind of ſophiſtry might be produced, but they are too indelicate to be admitted into this work[19].

Divinity. That ſpecies of theology known by the name of *ſchool-divinity*, which had been introduced in the former period, was cultivated with uncommon ardour in the thirteenth century, which on that account is called the ſcholaſtic age[20]. In that century, many of the moſt celebrated ſchoolmen flouriſhed, who were univerſally admired as prodigies of learning; and honoured with the pompous

[18] Bulæi Hiſt. Univerſ. Pariſien. tom. 4. p. 311.
[19] Id. tom. 3. p. 442.
[20] Cave, Hiſtoria Literaria, p. 699.

titles

titles of *profound*, *ſublime*, *wonderful*, *ſeraphic*, *angelic doctors*.

The ſchoolmen of the former period made the ſcriptures the chief ſubject of their ſtudies, and the text of their lectures, as ſome of them ſtill continued to do, who for that reaſon were called *Bible-divines*. But in the courſe of the thirteenth century, the holy ſcriptures, together with thoſe who ſtudied and explained them, fell into great neglect, not to ſay contempt. The *Bible-doctors* were ſlighted as men of little learning or acuteneſs; they had few ſcholars, and were not allowed an apartment, or a ſervant to attend them, or even a ſtated hour for reading their lectures, in any of the famous univerſities of Europe[21]. The illuſtrious Roger Bacon inveighed very bitterly againſt this abuſe; and his excellent friend Robert Greathead, biſhop of Lincoln, wrote a pathetic letter to the regents in theology in the univerſity of Oxford on this ſubject; earneſtly intreating them to lay the foundation of theological learning in the ſtudy of the ſcriptures, and to devote the morning-hours to lectures on the Old and New Teſtaments[22]. But all theſe remonſtrances and exhortations had little or no effect. Bible-doctors.

The far greateſt number, and the moſt famous of the ſchool-divines of this period, were called *Sententiaries*; becauſe they ſtudied, read lectures, and wrote commentaries on that ancient ſyſtem of divinity called *the ſentences*, written by Peter Lom- Sententiaries.

[21] A. Wood, Antiq. Oxon. l. 1. p. 53. [22] Id. ibid, p. 91, 92.

bard archbiſhop of Paris[23]. Some of the moſt celebrated of thoſe ſententiaries, as John Duns Scotus, Albertus Magnus, Thomas Aquinas, &c. wrote voluminous ſums or ſyſtems of divinity, conſiſting of an incredible number of queſtions and anſwers, on a great variety of ſubjects[24]. Many of the ſchool-divines applied to the ſtudy of letters with uncommon ardour; not a few of them appear to have been men of genius, poſſeſſed of great fertility of invention, and of ſtill greater ſubtilty and acuteneſs; but want of true taſte, and a right direction in their ſtudies, rendered both their genius and application in a great meaſure uſeleſs, if not pernicious. They indulged themſelves in a bold, or rather preſumptuous freedom of enquiry, into ſubjects which are beyond the reach of human inveſtigation; which betrayed them into ſo many errors, that all the ſingular, whimſical, and pernicious opinions, which have been propagated by modern freethinkers, are to be found in the writings of the ſchool-divines of this period.

History of preaching.

The ſpirit of the ſchool-divinity, which now reigned in all the famous univerſities of Europe, alſo took poſſeſſion of the pulpit, in this period, and a new method of preaching was introduced, much more artificial than thoſe methods of public inſtruction which had been uſed in former times.

[23] Cave, Hiſt. Liter. p. 667. Bulæi Hiſt. Univerſ. Pariſien. t. 3. p. 657.

[24] Cave, Hiſt. Liter. p. 727. 732.

The

The clergy, before this period, chiefly uſed two ways of preaching. The firſt of thoſe was called *poſtillating;* and thoſe who uſed it were called *poſtillators.* This conſiſted in explaining a large portion of ſcripture, ſentence after ſentence, in the regular order in which the words lay, making ſhort practical reflections on each ſentence. In this age, when it was uſual to give every doctor a name expreſſive of his peculiar excellence, cardinal Hugo excelled ſo much in this way of preaching, that he got the name of the *authentic poſtillator*[25]. This ancient method of public inſtruction is ſtill uſed in ſome foreign churches, and in the church of Scotland, under the name of *lecturing.* Poſtillating.

The other ancient way of preaching was called *declaring*; becauſe the preacher, without naming any particular text, declared what ſubject he deſigned to preach upon; beginning his ſermon with words to this purpoſe: "In my preſent ſermon, I deſign, by the grace of God, to diſcourſe on ſuch or ſuch a ſubject, on the fear of God, for example; and on this ſubject, I deſign to lay down ſome true and certain concluſions," &c. This laſt way of preaching was moſt common and moſt popular, and was not entirely laid aſide for more than a century after this period[26]. Declaring.

The new method of preaching, which was introduced about the beginning of the thirteenth New method of preaching.

[25] A. Wood. Antiq. Oxon. l. 1. p. 58, 59. [26] Id. ibid.

century, differed from both thoſe ancient methods in ſeveral reſpects. The preacher, at the beginning of his diſcourſe, read a text out of ſome book and chapter of the Old or New Teſtament (which had lately been divided into chapters and verſes by cardinal Langton[27]), as the theme or ſubject of his ſermon. This text he divided into ſeveral parts, by the help of that ſubtile logic and divinity, which were then ſo much in vogue; and the greater dexterity he diſcovered in ſplitting his text into many parts, he was eſteemed the greater divine and the better preacher. Having thus divided his text, he formed ſeveral heads of diſcourſe on each of theſe diviſions; on which heads he deſcanted, one after another, ſubdividing them into many particulars. This new and artificial method of preaching was greatly admired, and generally practiſed, by the younger clergy of thoſe times. But it was no leſs warmly oppoſed and condemned by ſome of the moſt learned men of this period, who repreſented it to be,—a childiſh playing upon words,—deſtructive of true eloquence,—tedious and unaffecting to the hearers,—and cramping the imagination of the preacher. Roger Bacon, in particular, ſpeaks of it with great contempt and averſion; and aſſigns a very ſingular reaſon for its gaining ground in his time; "The greateſt part of our prelates (ſays he), "having but little knowledge in divinity, and "having been little uſed to preaching in their

[27] Hen. Knyghton, apud Script. col. 2430.

"youth,

" youth, when they become biſhops, and are " ſometimes obliged to preach, are under a ne- " ceſſity of begging and borrowing the ſermons " of certain novices, who have invented a new " way of preaching, by endleſs diviſions and " quibblings; in which there is neither ſubli- " mity of ſtyle nor depth of wiſdom, but much " childiſh trifling and folly, unſuitable to the dig- " nity of the pulpit. May God (adds the zealous " Bacon) baniſh this conceited and artificial way " of preaching out of his church; for it will " never do any good, nor elevate the hearts of " the hearers to any thing that is great or excel- " lent [28]." The oppoſition to this new method of preaching continued through the whole of the fourteenth and part of the fifteenth century. Dr. Thomas Gaſcoigne, chancellor of the univerſity of Oxford, tells us, that he preached a ſermon in St. Martin's church, A. D. 1450, without a text, and without diviſions, declaring ſuch things as he thought would be uſeful to the people. Amongſt other things, he told them, in vindication of this ancient mode of preaching,—" That Dr. Au- " guſtine had preached four hundred ſermons to " the clergy and the people, without reading a " text at the beginning of his diſcourſe; and that " the way of preaching by a text, and by divi- " ſions, was invented only about A. D. 1200, as " appeared from the authors of the firſt ſermons

[28] R. Bacon, apud A. Wood, p. 59.

" of

" of that kind [29]." But this new method of preaching by a text and diviſions, which met with ſuch violent oppoſition, and was introduced by ſuch ſlow degrees, at length prevailed univerſally, and ſtill prevails.

Supreme authority of Ariſtotle in the ſchools.

The ſupreme authority which Ariſtotle obtained in the ſchools of theology, as well as of philoſophy, in the courſe of the thirteenth century, had conſiderable influence on the ſtate of learning, and even of religion, in this period. The name, and ſome parts of the writings, of Ariſtotle, were known in England, and other countries of Europe, long before this time. But it was not till about the middle of the thirteenth century that he obtained that dictatorial authority among learned men, and in the moſt famous ſeats of learning, that he ſo long maintained. About that time he began to be called *the philoſopher*, by way of eminence. " He is preferred (ſays Bacon) before all " other philoſophers, in the opinion of all men " of learning; whatever he hath affirmed is re- " ceived by them as true and found philoſophy; " and, in a word, he hath the ſame authority in " philoſophy that the Apoſtle Paul hath in di- " vinity [30]." To ſuch an extravagant height was this veneration for Ariſtotle carried before the middle of the fourteenth century, in ſome of the moſt famous univerſities, particularly in that of

[29] T. Gaſc. Lex Theolog. apud A. Wood, p. 59.
[30] Bacon, Opus Majus, edit. a Jebb, p. 36.

Paris,

Paris, that ſtudents were obliged to take a ſolemn oath, to defend the opinions of Ariſtotle, of his commentator Averrois, and of his other ancient commentators [31].

How obtained.

Several cauſes conſpired about this time to exalt Ariſtotle to the ſupreme dominion of the ideal world. Latin tranſlations of different parts of his writings were publiſhed, ſoon after the beginning of the thirteenth century, by Michael Scot, Alured Engliſh, William Fleming, and others; which made them better known, and more generally read, than they had formerly been [32]. His logics had long been ſtudied and admired, which procured a favourable reception to his other works, eſpecially from the ſcholaſtic divines, to whoſe taſte and genius they were admirably ſuited. Accordingly we find, that Albert the Great, Thomas Aquinas, John Duns Scotus, and all the moſt famous ſchoolmen who flouriſhed in this period, devoted much of their time and thoughts to the ſtudy and illuſtration of the works of Ariſtotle; and that by the authority of theſe works they chiefly ſupported their ſeveral ſyſtems and opinions [33]. The court of Rome had formerly diſcouraged the ſtudy of Ariſtotle's works, becauſe they had given riſe to certain unprofitable abſurdities, which diſturbed the peace of the church, without adding to the honours or riches of the

[31] Bulæi Hiſt. Univerſ. Pariſien. tom. 4. p. 275.

[32] Bacon, Opus Majus, p. 36, 37. Biographia Britannica, 1ſt edit. vol. 1. p. 342.

[33] Cave, Hiſt. Literaria, p. 695—756.

clergy.

clergy. Such, for example, were the errors of Amaury of Chartres, which were condemned by pope Innocent III. and by the council of Paris, A. D. 1209; the council at the ſame time condemning the metaphyſics of Ariſtotle to the flames,—"becauſe they had not only given riſe "to the hereſies of Amaury, by their ſubtil-"ties, but might give riſe to other hereſies not "yet invented[34]." But the court of Rome having ſoon after diſcovered, that the ſame writings which had ſerved to give plauſible colours to idle unprofitable errors, might do the ſame friendly office to more beneficial and lucrative abſurdities, changed its conduct, and recommended the ſtudy of Ariſtotle's works in the warmeſt manner[35].

Pernicious to learning.

It muſt be obvious, that this extravagant veneration for Ariſtotle, and blind ſubmiſſion to his opinions, could not but obſtruct the progreſs of real knowledge; eſpecially when it is conſidered, that very few of his admirers, in this period, were capable of reading his works, in their original language, but became acquainted with them only in very faulty incorrect tranſlations. We are aſſured by the illuſtrious Roger Bacon, that there were not above four perſons among the Latins in his time who underſtood Greek; and we have good reaſon to believe, that even Thomas Aquinas, the moſt admired of all Ariſtotle's commentators, did

34 Du Pin, Eccleſ. Hiſt. Cent. xiii. chap. 8. Bruckeri Hiſt. Philoſoph. edit. 1766. tom. 3. p. 689. 695. 891.

35 Id. ibid. p. 705, 706.

not underſtand that language [36]. The very tranſlators of Ariſtotle's works appear to have been a kind of impoſtors. Bacon affirms, that Michael Scot borrowed all that he publiſhed in his own name from one Andrew a Jew; "and as for "William Fleming (ſays he), every body at "Paris knows, that he doth not underſtand the "Greek language, though he pretends to it; and "therefore he tranſlates every thing falſely, and "corrupts the learning of the Latins [37]." It is no wonder, therefore, that the ſame learned perſon declared, "that the time and labour employed in "reading theſe wretched tranſlations were loſt; "and that if he could have got all the Latin "tranſlations of Ariſtotle's works into his hands, "he would have thrown them all into the fire, "as they were the great cauſe of the increaſe of "ignorance and error [38]."

Civil and canon law.

The civil and canon laws were ſtudied in this period by many of the clergy, with uncommon ardour; becauſe the knowledge of theſe laws not only qualified them for the lucrative employment of advocates or pleaders, but alſo procured them preferment in the church. "The civil and canon "laws," ſays a contemporary writer, "are in our "days ſo exceedingly profitable, procuring both "riches and honours, that almoſt the whole mul-"titude of ſcholars apply to the ſtudy of them [39]."

[36] R. Bacon, Opus Majus, l. 3. ch. 1. Bruckeri Hiſt. Philoſoph. tom. 3. p. 802. 804.

[37] Biograph. Britan. 1ſt edit. vol. 1. p. 342. [38] Id. ibid.

[39] Rob. Holcot, apud A. Wood, l. 1. p. 160.

Several

Several other authors of that period complain, that young ſcholars were ſo impatient to engage in the ſtudy of thoſe laws, that they neglected the ſtudy of languages, philoſophy, and divinity [40]. To remedy this abuſe, Pope Innocent IV. directed a bull on this ſubject to all the prelates of France, England, Scotland, Wales, Spain, and Hungary, in which he ſays, "That his ears had been ſtunned "with reports, that great multitudes of the clergy, "neglecting philoſophy and theology, crowded to "hear lectures on ſecular laws; and, which was "ſtill more abominable, that biſhops advanced "none to benefices, dignities, and prebends, in "the church, but ſuch as were either advocates "or profeſſors of law. To put a ſtop (adds he) "to this intolerable evil, I ſtrictly command, by "this irrefragable conſtitution, that no advocate, "or profeſſor of laws, ſhall enjoy any pre-emi-"nence on that account, or be advanced to any "eccleſiaſtical dignity, prebend, parſonage, or "benefice, unleſs he be competently ſkilled in "other ſciences [41]." To this bull his holineſs added the following very remarkable clauſe:— "As in France, England, Scotland, Wales, "Spain, and Hungary, the cauſes of the laity "are not determined by the Imperial laws, but "by certain ſecular cuſtoms; and as they might "be as well determined by the canons of the "moſt holy fathers; and as a mixture of thoſe

[40] M. Paris, Hiſt. Ang. an. 1254.
[41] Bulæi Hiſt. Pariſien. tom. 3. p. 265.

"cuſtoms

" cuſtoms with the canons doth more hurt than " good; by the advice, and at the requeſt of " our brethren, and other religious men, we com- " mand, that in the foreſaid kingdoms thoſe ſe- " cular laws or cuſtoms be no longer taught or " ſtudied, provided the conſent of their kings and " princes can be obtained [42]." A modeſt attempt of his holineſs to aboliſh the municipal laws of all thoſe countries, and ſubſtitute his own canon law in their room.

Geometry, and other branches of mathematical learning, were much neglected in the period we are now examining, eſpecially in the former part of that period. Of this the famous Roger Bacon frequently complains. " The neglect of mathe- " matics (ſays he) for theſe thirty or forty years " paſt, hath done great harm to learning among " the Latins [43]." This neglect was ſo great (as he aſſures us), that very few ſtudents proceeded further than to the fifth propoſition of the firſt book of Euclid's Elements; and that there were not above five or ſix perſons then alive, who had made any conſiderable progreſs in mathematical learning [44]. The truth is, that mathematical ſtudies, in thoſe times, brought neither honour nor profit to thoſe who engaged in them. On the contrary, thoſe few who proſecuted them with ardour and ſucceſs, were ſtrongly ſuſpected of Geometry.

42 Bulæi Hiſt. Pariſien. tom. 3. p. 265.
43 R. Bacon. Opus Majus, p. 57.
44 R. Bacon, apud A. Wood, lib. 1. p. 122.

holding

holding a criminal correſpondence with infernal ſpirits, and on that account were hated and perſecuted as magicians [45].

Arithmetic.

Arithmetic is ſo uſeful and neceſſary in the common affairs of life, as well as in all other arts and ſciences, that the attention paid to it is generally proportioned to the neceſſities of ſociety, and the ſtate of the other ſciences. The Arabian numerals were known and uſed in Britain in this period, and the uſe of them contributed very much to improve and facilitate arithmetical operations [46]. Theſe operations are thus deſcribed by Roger Bacon: "It is neceſſary that a theo-
"logian excel in the knowledge of numbers, and
"underſtand all arithmetical operations, viz. nu-
"meration, addition, ſubtraction, mediation, mul-
"tiplication, diviſion, extraction of the roots,
"both integers and fractions. He muſt not only
"underſtand vulgar fractions, as halfs, thirds,
"fourths, fifths, &c. &c. but he muſt alſo un-
"derſtand aſtronomical fractions, as minutes, ſe-
"conds, thirds, fourths, fifths, &c. &c. becauſe
"in chronological calculations he muſt have re-
"courſe to the motion of the ſun and moon, in
"which ſuch fractions are of capital conſidera-
"tion. He muſt not only underſtand the frac-
"tions of the Latins and Arabians, but alſo of
"the Hebrews, who divide an hour into one

45 Delreo Diſquiſit. Magic. Naudè Apologie pour les grandes Hommes ſoupçonner de Magic.

46 Wallis's Algebra, ch. 4. p. 9—14.

"thouſand

" thouſand and eighty parts. Beſides, it is ne-
" ceſſary for him to underſtand the reduction of
" fractions of different kinds into thoſe of one
" kind. For if it happens that among integers
" there are fractions of different kinds, as $\frac{7}{3}$, $\frac{10}{7}$,
" $\frac{2}{8}$, &c. &c. he will not be able to manage
" theſe numbers properly, unleſs he underſtand
" how to reduce theſe different fractions into one
" kind of fraction, and ſo into integers[47]." The above deſcription, it is probable, contains a ſyſtem of the arithmetic of the thirteenth century, when Bacon flouriſhed; to which very many valuable additions have ſince been made. John de Baſingſtoke, archdeacon of Leiceſter, who had ſtudied ſeveral years at Athens, brought the numeral figures of the Greeks into England, and taught the uſe of them, in the former part of this period[48]. Theſe figures may be ſeen, together with a deſcription of the manner of uſing them, *apud variantes lectiones*, in Mat. Paris, edit. 1644.

Greater attention was given to geography in the preſent than in the preceding period, both by princes and men of learning and curioſity. Lewis IX. king of France ſent a friar named William into Tartary, A. D. 1253, to explore that and other countries; of which he wrote a deſcription. Pope Innocent IV. had about ſeven years before ſent friar John de Plano Carpini into Geography.

[47] R. Bacon, Opus Majus, p. 138.
[48] M. Paris, Hiſt. Ang. A. D. 1252. p. 559. col. 1.

the ſame countries; who alſo wrote a deſcription of Tartary, and of the manners and cuſtoms of its inhabitants [49]. From converſing with thoſe and many other travellers, and from reading every thing that had been written on the ſubject, the indefatigable friar Bacon compoſed a deſcription of all the countries of Europe, Aſia, and Africa, that were known in the thirteenth century; and whoever will give himſelf the trouble to peruſe that deſcription, will find it both more extenſive and more correct than he could have imagined [50]. It appears that this extraordinary perſon had adorned and illuſtrated his deſcription by a map in which the latitude and longitude of places were aſcertained by meridian and parallel lines, as in our preſent maps [51]. But unfortunately this map is not to be found in any of the copies of our author's *Opus Majus* yet diſcovered. It is ſtill more remarkable, that Bacon laboured with great earneſtneſs to prove, that a much greater proportion of our terraqueous globe was dry land, and habitable, eſpecially in the ſouthern hemiſphere, than was commonly believed; and that he endeavoured to prove this by the very ſame arguments which determined Columbus, two centuries after, to go in queſt of the new world [52].

Aſtronomy. The following deſcription of the ſtate of aſtronomy in England in the thirteenth century, drawn

[49] R. Bacon, Opus Majus, p. 190, 191. 233.
[50] Id. ibid. p. 180—236.
[51] Id. ibid. p. 186.
[52] Id. ibid. p. 184, 185.

by

by the greateſt aſtronomer of that age and country, will be more ſatisfactory than any thing that can be ſaid on that ſubject by a modern writer. "Aſtronomy is the ſtudy of the heavenly bodies; "by which their dimenſions, diſtances, motions, "&c. are inveſtigated. It is either ſpeculative or "practical. Speculative aſtronomy aſcertains the "number of the heavens and ſtars, whoſe di- "menſions can be comprehended by inſtruments; "and diſcovers their figures, magnitudes, alti- "tudes, denſities, riſings, ſettings, and motions, "together with all the varieties and degrees of "their eclipſes. It even condeſcends to ſpeculate "concerning the figure and dimenſions of this "earth which we inhabit, and of its larger di- "viſions, which are called climates, and ſhews "the diverſity of the horizons, and of days and "nights, in each of theſe climates. By ſpecu- "lative aſtronomy all theſe things, and many "others connected with them, are determined. "Practical aſtronomy teaches us to diſcover the "places, aſpects, influences, and changes of the "ſtars and planets, at any particular time. It "attends alſo to thoſe bodies which occaſionally "appear in the air, as comets and rainbows, in "order to diſcover their places, altitudes, mag- "nitudes, figures, and many other things which "it is neceſſary to know. Theſe things are done "by proper inſtruments, by aſtronomical tables, "and by certain rules and canons invented for "that purpoſe. All theſe inveſtigations are in- "tended to enable the aſtronomer to pronounce a

" judgment on what things can be done by the " power of philoſophy, not only on matter, but " on all beings connected with matter, and guided " by the influences of the heavenly bodies: as " alſo, to pronounce a judgment on future " events, as well as on thoſe that are paſt and " preſent; and to advance wonderful works, for " promoting the proſperity, and preventing the " miſery, of mankind, in the moſt beneficent and " illuſtrious manner[53]." To the above deſcription a developement or elucidation of its ſeveral parts, of no leſs than two hundred folio pages, is ſubjoined.

Aſtrology. The learned reader will perceive, that what is called *practical aſtronomy* in the above deſcription, is no other than judicial aſtrology; which was more highly admired, and more ardently cultivated, in the middle ages, than any other part of learning. In this vain fallacious ſcience friar Bacon was a great adept, and ſo great a believer, that he imputed all the wars and other calamities, which afflicted England, Spain, Italy, and other countries, A. D. 1264, to the neglect of aſtrology. " O how happy had it been for the church " of God, and how many miſchiefs would it have " prevented, if the aſpects and qualities of the " heavenly bodies had been predicted by learned " men, and known to the princes and prelates of " thoſe times! There would not then have been " ſo great a ſlaughter of Chriſtians, nor would ſo

[53] R. Bacon, Opus Majus, p. 65.

" many

" many miſerable ſouls have been ſent to hell [54]." But it ſhould be remembered, that this was the foible of the age rather than of the man; and that though aſtrology was fallacious, the ſtudy of it contributed not a little to preſerve and improve aſtronomy.

Mathematical inſtruments.

Aſtronomical inſtruments, particularly the quadrant, the aſtrolabe, and ſpecula, or ſpying-glaſſes, are frequently mentioned by the writers of this period. The quadrant is well known, and in daily uſe. The conſtruction and various uſes of the aſtrolabe are fully deſcribed by the famous poet Geoffrey Chaucer, in a treatiſe compoſed A. D. 1391 [55]. The conſtruction of the ſpecula or ſpying-glaſſes uſed by the aſtronomers of this period is not ſo well known. There is however ſufficient evidence, that they were applied to the ſame purpoſes, and anſwered the ſame ends, with our teleſcopes, which are thought to be of much later invention. " Specula, or ſpying-glaſſes " (ſays Roger Bacon), may be erected on a riſing " ground, oppoſite to cities or armies, in ſuch a " manner that all things done by the enemy may " be diſcovered; and this may be done at any " diſtance we pleaſe. For, according to the laws " of optics, an object may be viewed through as " many glaſſes as we think fit, if they are properly placed; and they may be placed, ſome " nearer and ſome more remote, ſo that the

54 R. Bacon, Opus Majus, p. 243.

55 See Chaucer's Works, edit. 1721. p. 439—451.

" object may be ſeen at any diſtance we deſire.—
" Spying-glaſſes may be ſo formed, and ſo placed,
" that we ſhall be able to read the ſmalleſt letters
" at an incredible diſtance, to number even the
" duſt and ſands, and to make the ſun, moon,
" and ſtars, to deſcend, or at leaſt ſeem to de-
" ſcend, from heaven[56]." From theſe paſſages, to which ſeveral others might be added, it appears to be undeniable, that this learned friar was in poſſeſſion of an inſtrument of ſimilar uſe and conſtruction with our teleſcope, though not, perhaps, ſo neat and portable[57].

Optics. The ſcience of optics was not known or taught in England till about the middle of the thirteenth century. We learn from the beſt authority, that no lectures had been read on that ſubject, at Paris, or at any other place among the Latins, except twice at Oxford, before A. D. 1267; and that there were only three perſons then in England who had made any conſiderable proficiency in that ſcience[58]. Friar Bacon was one of thoſe three; and that he had made great proficiency in it, we have the cleareſt evidence ſtill remaining, in his admirable treatiſe (*De Scientia Perſpectiva*) of the ſcience of perſpective[59]. In this treatiſe he hath explained at great length, and with wonderful perſpicuity, the theories of reflected viſion or catoptrics, and of refracted viſion

[56] R. Bacon, Opus Majus, p. 357.
[57] See Plot's Hiſtory of Oxfordſhire, p. 215.
[58] A. Wood, Hiſt. Oxon. l. 1. p. 122.
[59] Vide Opus Majus, p. 256—358.

or

or dioptrics, as well as of direct viſion or optics; and from theſe theories he hath deduced many uſeful inventions; and, amongſt others, that of reading-glaſſes, which are thus plainly deſcribed: "If a man view letters, or other ſmall objects, "through the medium of a cryſtal or glaſs, "which is the leſſer portion of a ſphere, whoſe "convexity is towards the eye, he will ſee the "letters much better, and they will appear to "him larger. This inſtrument is uſeful to old "men, and to thoſe who are weak-ſighted, becauſe "by it they may ſee the ſmalleſt letters of ſuffi-"cient magnitude[60]." By his ſkill in catoptrics, he rivalled Archimedes in the conſtructing of burning-glaſſes. "I have cauſed many burning-"glaſſes (ſays he) to be made, in which, as "in a mirror, the goodneſs of nature may be "diſplayed. Nor are they to be accounted too "expenſive, when we conſider the wonderful and "uſeful things they can perform. The firſt I "got made coſt me ſixty pounds of Pariſian mo-"ney, equal to about twenty pounds ſterling: "but afterwards I got a better one made for ten "Pariſian pounds, or five marks ſterling; and "ſince I have become more expert, I have diſ-"covered that better ones may be made for two "marks, nay for twenty ſhillings, or even cheaper. "But in this great attention and dexterity are "required[61]." In a word, there is the cleareſt

[60] Vide Opus Majus, p. 352.
[61] R. Bacon, Opus Majus, Præfat. p. 9. n.

evidence in the works of this wonderful man, that he was acquainted with the conſtruction of all the different kinds of inſtruments for viewing objects to advantage, which have been ſo much admired as modern inventions [62].

Mechanics. The ſtudy of mechanics as a ſcience was introduced into England about the ſame time with the ſtudy of optics, and probably by the ſame perſons. This much at leaſt is certain, that friar Bacon had acquired ſo extenſive a knowledge of the mechanical powers, and their various combinations, and had thereby performed ſo many ſurpriſing things, that he was ſuſpected of being a magician. To remove that ſuſpicion, he wrote his famous epiſtle, concerning the ſecret operations of art and nature, and the nullity of magic [63]. In that epiſtle he reprobates the uſe of magical characters, verſes, incantations, invocation of ſpirits, and various other tricks, as criminal impoſitions on the credulity of mankind: and affirms that more wonderful works may be performed by the combined powers of art and nature, than ever were pretended to be performed by the power of magic. "I will now (ſays he) mention ſome of "the wonderful works of art and nature, in "which there is nothing of magic, and which "magic could not perform. Inſtruments may "be made, by which the largeſt ſhips, with only

[62] Vide Ola Borrick, De Ortu et Progreſſu Chemiæ, apud Manget, Bibliothec. Chemic. tom. 1. p. 31. Ibid. p. 620.

[63] Manget, Bibliotheca Chemica, tom. 1. p. 616—626.

"one

" one man guiding them, will be carried with " greater velocity than if they were full of ſailors. " —Chariots may be conſtructed that will move " with incredible rapidity, without the help of " animals;—inſtruments of flying may be formed, " in which a man ſitting at his eaſe, and meditat- " ing on any ſubject, may beat the air with his " artificial wings, after the manner of birds;—a " ſmall inſtrument may be made to raiſe or depreſs " the greateſt weights:—an inſtrument may be " fabricated, by which one man may draw a thou- " ſand men to him by force, and againſt their " wills;—as alſo machines which will enable men " to walk at the bottom of ſeas or rivers without " danger:—That all thoſe inſtruments are made " in our times, is moſt certain, and I have ſeen " them all, but that for flying, which I have never " ſeen, though I am well acquainted with the wiſe " man who invented it[64]."

Another ſcience which was introduced into England in the courſe of the thirteenth century, was chymiſtry, or, more properly alchymy; for it plainly appears from their writings, that the great object which the chymiſts of this period had in view was to obtain theſe two things:—1. An univerſal medicine for the cure of all diſeaſes, and for prolonging life beyond its uſual limits;—2. The philoſopher's ſtone, the powder of projection, or grand elixir, for tranſmuting baſer metals into Chymiſtry.

[64] Manget, Bibliotheca Chemica, tom. 1. p. 619.

gold

gold and ſilver[65]. That both theſe things were attainable, they ſeem to have been fully perſuaded; and as they are evidently very deſirable, they were moſt ardent and indefatigable in their efforts to obtain them; and to this muſt be aſcribed the rapid progreſs of chymiſtry, and the prodigious number of chymiſts who flouriſhed in this period. The famous friar Bacon, who was one of the moſt active and intelligent, as well as one of the moſt honeſt and communicative, of thoſe ancient chymiſts, ſpeaks with great confidence of the reality of a medicine which would anſwer both the purpoſes of prolonging life and tranſmuting metals: "That "medicine (ſays he) which could remove all the "impurities of baſer metals, and change them "into the fineſt gold and ſilver, could alſo remove "all the corruptions of the human body, to ſuch a "degree, that life might be prolonged through "many ages[66]." The two greateſt princes who filled the throne of England in this period, Edward I. and Edward III. were great believers in the art of alchymy, and courted or preſſed the moſt famous alchymiſts into their ſervice. The celebrated Raymond Lully came into England on the preſſing invitation of Edward I. and is ſaid to have furniſhed that prince with a very great quantity of gold for defraying the expence of an intended expedition into the Holy Land[67]. Of this

[65] Vide Manget, Bibliotheca Chemic.

[66] Bacon, Opus Majus, p. 472.

[67] Ola Borrick, apud Manget, tom. 1. p. 44.

laſt

laſt circumſtance Lully himſelf is ſilent; though he mentions ſeveral of his tranſactions in England, particularly the following very remarkable one: "You ſaw, O king! in thy ſecret chamber of "St. Katharine, in the tower of London, that "wonderful projection which I made in thy pre- "ſence on cryſtal, which I changed into a maſs "of the pureſt adamant (diamond), more pre- "cious than that which is natural, of which thou "cauſedſt to be made ſome little pillars for the "tabernacle of God[68]." The following curious proclamation was publiſhed by Edward III. A. D. 1329, which is a ſufficient evidence of his belief in the art of alchymy:—"Know all men, that we "have been aſſured, that John Rows and Mr. "William de Dalby know how to make ſilver by "the art of alchymy; that they have made it in "former times, and ſtill continue to make it; "and conſidering that theſe men, by their art, "and by making that precious metal, may be "profitable to us, and to our kingdom, we have "commanded our well-beloved Thomas Cary to "apprehend the foreſaid John and William, "wherever they can be found, within liberties "or without, and bring them to us, together with "all the inſtruments of their art, under ſafe and "ſure cuſtody[69]."

It is more than probable, that theſe two great princes, and the other believers in alchymy, were Alchymy.

[68] Ola Borrick, apud Manget, tom. 1. p. 28.

[69] Rymeri Fœdera, tom. 4. p. 384.

deceived, and in the end diſappointed. But it cannot be denied, that ſome of the alchymiſts of the thirteenth century, as Albert the Great, Raymond Lully, and friar Bacon, were men of great ſagacity as well as induſtry; and that, when they were engaged in the ardent purſuit of the grand elixir and univerſal medicine, they made many uſeful and curious diſcoveries, which would have excited the admiration of a more enlightened age. This is acknowledged by the moſt capable judges: "To ſpeak my mind (ſays Boerhaave) freely, I "have not met with any writers on natural philo- "ſophy, who treat of the nature of bodies ſo pro- "foundly, and explain the manner of changing "them ſo clearly, as thoſe called *alchymiſts*. To "be convinced of this, read carefully their genuine "writings; for inſtance, the piece of Raymond "Lully, which he entitles *Experiments*; you will "find him, with the utmoſt clearneſs and ſimpli- "city, relating experiments which explain the "nature and actions of animals, vegetables, and "foſſils; after this you will hardly be able to name "any author wherein phyſical things are treated of "to ſo much advantage [70]."

Diſcovery of gunpowder.

It will be ſufficient to mention one, out of many of their diſcoveries. Nothing can be more certain than that friar Bacon had diſcovered the compoſition of gunpowder, and the terrible effects it was capable of producing, both which he hath deſcribed in ſeveral parts of his works, though theſe

[70] Boerhaave's Chymiſtry, vol. 1. p. 200.

things

things are generally ſuppoſed to have been firſt diſcovered almoſt a century after his death. In one place, he ſays,—" Sounds like thunder, and cor-" ruſcations, may be made in the air, and even " with greater horror than thoſe which are made " by nature. For a little matter, properly pre-" pared, about the bigneſs of a man's thumb, " makes a horrible noiſe, and produces a dreadful " corruſcation; and by this a city or an army may " be deſtroyed in ſeveral different ways [71]." In the laſt chapter of the ſame treatiſe, concerning the ſecret operations of art and nature, he diſcovers the ingredients of which this terrible thundering compoſition is made; " By ſaltpetre, ſulphur, and " the powder of wood-coal, you may make this " thunder and corruſcation, if you underſtand the " art of compounding them [72]." It is true, that in the original, the letters which compoſe the words *carbonum pulvere* (powder of wood-coal) are not placed in their proper order. But this is evidently done to prevent the art of making this dangerous compoſition from being commonly known and practiſed, becauſe he knew that it might be employed to very pernicious purpoſes.

Medicine was conſiderably improved in the period we are now examining, which ſeems to have been owing to the following cauſes. Much greater attention was given to the education of phyſicians Medicine.

[71] R. Bacon de Secretis Operibus Artis et Naturæ, apud Manget, tom. 1. 620.

[72] Id. ibid. p. 124. Biographia Britan. art. *Bacon*. Freind's Hiſtory of Phyſic, vol. 2. Append. No. 5.

than

than formerly, and ſtricter rules preſcribed for regulating the time and manner of their ſtudies. By the laws of the famous medical ſchool of Salernum, made A. D. 1237, and afterwards adopted in other ſeats of learning, the ſcholars were obliged to ſpend three years in the ſtudy of philoſophy, and five years in the ſtudy of medicine, and then to be ſtrictly examined by two doctors of phyſic, before they could receive a licence to practiſe [73]. The diſtinction between phyſicians, ſurgeons, and apothecaries, was now well underſtood and much regarded; which could not but contribute to render them all more expert and ſkilful in their profeſſions [74]. The works of the moſt famous Arabian phyſicians were now tranſlated into Latin, and read with great avidity; by which the knowledge which theſe phyſicians had derived from the Greeks, as well as the diſcoveries they had made themſelves, came to be more generally known [75]. And finally, the introduction of chymiſtry muſt have contributed to the improvement of medicine, by furniſhing phyſicians with tinctures, elixirs, and other chymical preparations, unknown to their predeceſſors [76].

The clergy phyſicians, and ſome of the laity.

The clergy ſtill continued to teach and practiſe medicine; and the greateſt number of phyſicians were of that order in this period [77]. But ſome of

73 Bulæi Hiſt. Univer. Pariſ. tom. 3. p. 158.
74 Rymeri Fœd. t. 5. p. 486.
75 Dr. Freind's Hiſtory of Phyſic, v. 2. p. 231.
76 Id. ibid. p. 250.
77 Annal. Dunſtap. p. 467.

the

the laity now began to make a figure in this profeſſion, and a few of them even commenced authors. Gilbert Engliſh, who flouriſhed in the thirteenth century, is the moſt ancient medical writer of England whoſe works have been printed. His learning and ſkill in medicine are greatly extolled by Leland and biſhop Bale; but Dr. Freind, who was a much better judge in matters of this kind, is more moderate in his commendations, and contents himſelf with ſaying,—"That he wrote as "well as any of his contemporaries in other "nations; and did no more than they did, if he "took the bulk of what he compiled from the "writings of the Arabians [78]." Gilbert Engliſh.

John de Gaddeſden was the next medical writer of England whoſe works have been preſerved and printed. He flouriſhed in the fourteenth century, and was educated in Merton college, Oxford [79]. "Having acquired (ſays Leland) a thorough "knowledge of philoſophy, he applied with great "ardour to the ſtudy of medicine, in which he "made ſo great proficiency, that he was juſtly "eſteemed the great luminary of his age. He "wrote a large and learned work on medicine, to "which, on account of its excellence, the illuſtrious "title of *the Medical Roſe* was given [80]." Our author's *Medical Roſe* is a very curious work, containing a comprehenſive ſyſtem of medicine as it was practiſed in England in the fourteenth cen- John Gaddeſden.

78 Bale, cent. 3. p. 256. Freind, vol. 2. p. 268. Leland, p. 356.
79 A. Wood, lib. 2. p. 87. 80 Leland, p. 355.

tury.

tury. In treating of each diſeaſe, he gives, 1ſt, The etymology of its name, and a general deſcription of its nature; 2dly, The ſymptoms; 3dly, The prognoſtics; 4thly, The method of cure[81]. From this laſt part, which abounds in receipts, it plainly appears that the phyſicians of this period were not ſparing of their drugs, and that their preſcriptions were very complicated[82]. It muſt alſo be confeſſed, that the methods of cure recommended by our author are ſome of them very whimſical, and others ſuperſtitious. What can be more whimſical than the following treatment of a patient in the ſmall-pox, immediately after the eruption? "After this, cauſe the whole body of "your patient to be wrapped in red ſcarlet cloth, "or in any other red cloth, and command every "thing about the bed to be made red. This is an "excellent cure. It was in this manner I treated "the ſon of the noble king of England, when he "had the ſmall-pox; and I cured him, without "leaving any marks[83]." The patient whom he treated in this manner muſt have been either Edward III. or his brother prince John of Eltham. Can any thing be more ſuperſtitious than the following method of attempting to cure the epilepſy, which appears to have been recommended by all the moſt famous phyſicians of thoſe times, as well as by our author? "Becauſe there are many "children and others afflicted with the epilepſy

[81] Vide Roſ. Ang. paſſim, edit. 1491. [82] Id. ibid.
[83] Id. p. 51.

"who

"who cannôt take medicines, let the following "experiment be tried, which is recommended by "Conſtantine, Walter, Bernard, Gilbert, and "others, which I have found to be effectual, "whether the patient was a demoniac, a lunatic, "or an epileptic. When the patient and his "parents have faſted three days, let them con-"duct him to a church. If he be of a proper "age, and in his right ſenſes, let him confeſs. "Then let him hear maſs on Friday, during the "faſt of *quatuor temporum*, and alſo on Saturday. "On Sunday, let a good and religious prieſt read "over the head of the patient, in the church, the "goſpel which is read in September, in the time "of vintage, after the feaſt of the Holy Croſs. "After this let the prieſt write the ſame goſpel "devoutly, and let the patient wear it about his "neck, and he ſhall be cured. The goſpel is, "—This kind goeth not out but by prayer and "faſting [84]." The truth is, that though John de Gaddeſden was at the head of his profeſſion, conſulted by the greateſt princes, and celebrated by the greateſt poets of his age, he appears to have been little better than an artful, intereſted quack, of ſome reading, and furniſhed with a prodigious number of receipts, which he had collected from all hands, and applied often more to his own advantage than to that of his patients [85]. But it ought to be remembered, that the empirical ſuperſtitious practices of our author and his contemporaries

[84] Vide Roſ. Ang. edit. 1491. p. 78. [85] Chaucer, p. 4. col. 2.

were in a great meaſure owing to the general ignorance, credulity, and ſuperſtition of the times in which they flouriſhed.

Royal touch. To the ſame cauſes we muſt impute the high reputation of the royal touch, at this time, for the cure of the ſcrophula, of which archbiſhop Bradwardine, A. D. 1349, wrote in theſe ſtrong terms: "Whoever thou art, O Chriſtian! who denieſt "miracles, come and ſee with thine own eyes, "come into England into the preſence of the king, "and bring with thee any Chriſtian afflicted with the "king's-evil; and though it be very ugly, deep, "and inveterate, he will cure him in the name of "Jeſus Chriſt, by prayer, benediction, the ſign "of the croſs, and the impoſition of hands [86]."

Surgery. It ſeems to be impoſſible to give a better account, in fewer words, of the ſtate of ſurgery in this period, than that which is contained in the following paſſage of a ſyſtem of ſurgery, compoſed by Guido de Cauliaco, A. D. 1363: "The prac-"titioners in ſurgery are divided into five ſects.—"The firſt follow Roger and Roland, and the "four maſters, and apply pultices, to all wounds "and abſceſſes;—the ſecond follow Brunus and "Theodoric, and in the ſame caſes uſe wine only; "—the third follow Saliceto and Lanfranc, and treat "wounds with ointments and ſoft plaſters;—the "fourth are chiefly Germans, who attend the "armies, and promiſcuouſly uſe charms, potions, "oil, and wool;—the fifth are old women and

[86] Bradwardine de Cauſa Dei, l. 1. ch. 1. p. 39.

"ignorant

"ignorant people, who have recourſe to the ſaints "in all caſes[87]." John Arden, who removed from Newark to London in the time of the great plague, A. D. 1349, was the moſt famous ſurgeon and writer on ſurgery who flouriſhed in England in this period[88].

SECTION II.

Hiſtory of the moſt learned men who flouriſhed in Britain, from A. D. 1216, *to* A. D. 1399.

IT hath been already obſerved, and muſt always be remembered, that "the laws of general "hiſtory, and the limits of this work, will admit "only of a very brief account of a few who were "moſt eminent for their learning in every "period[1]."

Robert Grouthead or Greathead, the very learned and famous biſhop of Lincoln, was born at Stow in Lincolnſhire, or (according to others) at Stradbrook in Suffolk, in the latter part of the twelfth century[2]. His parents were ſo poor that, when a boy, he was reduced to do the meaneſt offices, and even to beg his bread; till the mayor of Lincoln, ſtruck with his appearance, and the quickneſs of his anſwers to certain queſtions, took Robert Grouthead.

[87] Guido de Cauliaco, apud Freind, vol. 2. p. 320.
[88] Id. ibid. p. 323.
[1] Vol. 6. p. 122.
[2] Anglia Sacra, tom. 2. p. 326. Tanner, Bibliothec. Britan. p. 345.

him into his family, and put him to ſchool [3]. Here his ardent love of learning, and admirable capacity for acquiring it, ſoon appeared, and procured him many patrons, by whoſe aſſiſtance he was enabled to proſecute his ſtudies, firſt at Cambridge, afterwards at Oxford, and at laſt at Paris [4]. In theſe three famous ſeats of learning, he ſpent many years in the moſt indefatigable purſuit of knowledge, and became one of the beſt and moſt univerſal ſcholars of the age. He was a great maſter, not only of the French and Latin, but alſo of the Greek and Hebrew languages, which was a very rare accompliſhment in thoſe times. We are aſſured by Roger Bacon, who was intimately acquainted with him, that he ſpent much of his time for almoſt forty years, in the ſtudy of geometry, aſtronomy, optics, and other branches of mathematical learning, in all which he very much excelled [5]. Theology was his favourite ſtudy, in which he read lectures at Oxford, with great applauſe [6]. In the mean time, he obtained ſeveral preferments in the church, and was at length elected and conſecrated biſhop of Lincoln, A. D. 1235 [7]. In this ſtation he ſoon became very famous by the purity of his manners, the popularity of his preaching, the rigour of his diſcipline, and the boldneſs with which he reproved

[3] Ang. Sacra, p. 328, 329.

[4] Id. p. 330. Tanner, Bibliothec. Britan. p. 345, 346. A. Wood, Hiſt. Oxon. l. 1. p. 82.

[5] R. Bacon, apud A. Wood, Hiſt. Oxon. l. 1. p. 82.

[6] Id. ibid. [7] Tanner, p. 346. M. Paris, ann. 1235. p. 280.

the

the vices and oppoſed the arbitrary mandates, of the court of Rome; of this laſt it may be proper to give one example. Pope Innocent IV. had granted to one of his own nephews named Frederick, who was but a child, a proviſion to the firſt canon's place in the church of Lincoln that ſhould become vacant; and ſent a bull to the archbiſhop of Canterbury, and Innocent, then papal legate in England, commanding them to ſee the proviſion made effectual; which they tranſmitted to the biſhop of Lincoln. But that brave and virtuous prelate boldly refuſed to obey this unreaſonable mandate, and ſent an anſwer to the papal bull, containing the following ſevere reproaches againſt his holineſs, for abuſing his power: "If we except the ſins of Lucifer and Antichriſt, there "neither is nor can be a greater crime, nor any "thing more contrary to the doctrine of the "goſpel, or more odious and abominable in the "ſight of Jeſus Chriſt, than to ruin and deſtroy "the ſouls of men, by depriving them of the "ſpiritual aid and miniſtry of their paſtors. This "crime is committed by thoſe who command the "benefices intended for the ſupport of able paſtors, "to be beſtowed on thoſe who are incapable of "performing the duties of the paſtoral office. It "is impoſſible therefore that the holy apoſtolic "ſee, which received its authority from the Lord "Jeſus Chriſt, for edification, and not for deſtruction, can be guilty of ſuch a crime, or any thing "approaching to ſuch a crime, ſo hateful to God, "and ſo hurtful to men. For this would be a

" moſt manifeſt corruption and abuſe of its autho-
" rity, which would forfeit all its glory, and
" plunge it into the pains of hell [8]." Upon hear-
ing this letter, his holineſs became frantic with rage, poured forth a torrent of abuſe againſt the good biſhop, and threatened to make him an object of terror and aſtoniſhment to the whole world. " How dare (ſaid he) this old, deaf, doating fool,
" diſobey my commands? Is not his maſter the
" king of England my ſubject, or rather my
" ſlave? Cannot he caſt him into priſon, and
" cruſh him in a moment?" But the cardinals by degrees brought the pope to think more calmly, and to take no notice of this letter. " Let us not
" (ſaid they) raiſe a tumult in the church, without
" neceſſity, and precipitate that revolt and ſepara-
" tion from us, which we know muſt one day take
" place [9]." Remarkable words, when we reflect when and by whom they were ſpoken!

Death and character.

Biſhop Grouthead did not long ſurvive this noble ſtand againſt the groſs corruptions and tyranny of the church of Rome; for he fell ſick at his caſtle of Bugden that ſame year; and when he became ſenſible that his death was drawing near, he called his clergy into his apartment, and made a long diſcourſe to them, to prove that the reigning pope Innocent IV. was antichriſt. With this exertion his ſtrength and ſpirits were ſo much exhauſted, that he expired ſoon after, October 9, A. D. 1253 [10].

[8] M. Paris, Hiſt. Angl. p. 583. ann. 1253.
[9] Id. ibid.
[10] Id. ibid. p. 586.

A con-

A contemporary hiſtorian, who was perfectly well acquainted with him, hath drawn his character in the following manner: "He was a free and bold "reprimander of the pope and the king,—an ad- "moniſher of the prelates,—a corrector of the "monks,—an inſtructor of the clergy,—a ſup- "porter of the ſtudious,—a cenſurer of the in- "continent,—a ſcourge and terror to the court of "Rome,—a diligent ſearcher of the ſcriptures,— "and a frequent preacher to the people. At his "table he was hoſpitable, polite, and cheerful. "In the church he was contrite, devout, and ſo- "lemn; and in performing all the duties of his "office, he was venerable, active, and indefati- "gable[11]." The illuſtrious Roger Bacon, who was moſt capable, and had the beſt opportunities of forming a true judgment of the extent of his learning, by peruſing his works, and by frequently converſing with him, hath given this honourable teſtimony in his favour: "Robert Grouthead bi- "ſhop of Lincoln, and his friend friar Adam de "Mariſco, are the two moſt learned men in the "world, and excel all the reſt of mankind both in "divine and human knowledge[12]."

This moſt excellent and learned prelate was a very voluminous writer, and compoſed a prodigious number of treatiſes on a great variety of ſubjects, in philoſophy and divinity, a catalogue

[11] M. Paris, Hiſt. Angl. p. 586.
[12] R. Bacon, apud Angl. Sacr. tom. 2. p. 344.

of which may be ſeen in the works quoted below [13].

Roger Bacon.

Though Roger Bacon was too modeſt to except himſelf when he gave the above character for ſuperiority in learning to his patron Robert Grouthead, and his friend Adam de Mariſco, it is very certain, that he was ſuperior to them both, and to all his contemporaries, in genius, induſtry, and erudition. This extraordinary man was born near Ilcheſter, A. D. 1214, and at a proper age was ſent to Oxford, where he proſecuted his ſtudies with ſo much ardour and ſucceſs, that he gained the friendſhip and patronage of the greateſt men in that univerſity [14]. Having ſpent ſome years at Oxford in the ſtudy of the languages, logic, and other branches of philoſophy, he removed, according to the cuſtom of thoſe times, to Paris, where he ſoon became famous for his uncommon proficiency in all the ſciences [15]. Though he was much admired and careſſed at that univerſity, where many of the moſt ingenious men in Europe then reſided, he returned into his native country A. D. 1240, being then about twenty-ſix years of age [16]. As the love of learning was his ruling paſſion, he ſettled at Ox-

[13] R. Bacon, apud Angl. Sacr. tom. 2. p. 344. Baleus de Script. Britan. p. 304, &c.

[14] A. Wood, Antiq. Oxon. l. 1. p. 136. Leland de Script. Britan. tom. 2. p. 1.

[15] A. Wood. Antiq. Oxon. l. 1. p. 136.

[16] Oudin de Script. Eccleſ. tom. 3. p. 191.

ford,

ford, and entered into the Franciſcan order of monks in that city, that he might proſecute his ſtudies in tranquillity and with advantage.

Manner in which he ſtudied.

Our Bacon ſoon abandoned the beaten track which was purſued by the ſcholars of that period, who ſpent their time in the ſtudy of very faulty tranſlations of the works of Ariſtotle, and in reading commentaries on thoſe works which had been written by men who did not well underſtand the original language. That he might not miſſpend his time in the ſame manner, he made himſelf a perfect maſter of the Greek tongue. Not contented with this, he applied directly to the ſtudy of nature, and engaged in a courſe of laborious, expenſive, and well-conducted experiments, as the only means of arriving at certainty and of making uſeful diſcoveries [17]. By the generoſity of his friends and patrons he was enabled to expend on thoſe experiments, in twenty years, no leſs a ſum than two thouſand pounds, equal in weight of ſilver to ſix thouſand pounds, and in efficacy to thirty thouſand pounds, of our money at preſent [18]. This was indeed a great ſum; but no money was ever better employed: for in the courſe of thoſe experiments he made a greater number of uſeful and ſurpriſing diſcoveries in geometry, aſtronomy, phyſics, optics, mechanics, and chymiſtry, than ever were made by one man in an equal ſpace of time.

[17] Bacon, Opus Majus, p. 445, &c.
[18] A. Wood, Hiſt. Oxon. l. 2. p. 136.

But

His ſufferings.

But the world was long deprived of the advantage, and Bacon of the honour, of thoſe diſcoveries, by the ignorance, envy, and malice of the monks of his order. For believing, or pretending to believe, that he was a magician, and held a criminal intercourſe with infernal ſpirits, they put him under cloſe confinement, and prohibited him from ſending any of his writings out of his monaſtery, except to the pope[19]. In this confinement he languiſhed ſeveral years; till having ſent a copy of his Opus Majus to pope Clement IV. A. D. 1266, that pontiff procured him ſome mitigation of his ſufferings, if not his full liberty[20]. But he did not very long enjoy that relaxation, as he was again impriſoned by Jerom de Eſculo, general of the Franciſcan order, A. D. 1278; becauſe his works, it was pretended, contained ſome ſuſpected novelties[21]. In this ſecond confinement Bacon continued about eleven or twelve years, when he was ſet at liberty by pope Nicholas IV. at the earneſt requeſt of ſeveral noblemen[22]. Though he was now old, and no doubt much broken by his long and cruel ſufferings, he ſtill continued to proſecute his ſtudies, by poliſhing his former works, and compoſing new ones, till death put an end to all his

[19] R. Bacon, Epiſt. ad Clement. IV. apud Biograph. Britan. vol. 1. p. 343.

[20] Id. ibid. p. 345.

[21] Wadding. Annal. Frat. Minor, tom. 2. p. 449. Spondan. Annal. A. D. 1278.

[22] A. Wood, Hiſt. Oxon. l. 1. p. 79.

calamities,

calamities, and all his labours, at Oxford, June 11, A. D. 1292[23].

His diſcoveries.

We cannot but lament that friar Bacon met with ſo many diſcouragements in the purſuit of uſeful knowledge. If he had lived in better times, or if he had even been permitted to proſecute that courſe of inquiries and experiments in which he engaged after his return from Paris, it is highly probable that the world would have had many valuable diſcoveries that are ſtill unknown. An excellent modern writer having enumerated ſome of Bacon's diſcoveries, viz.—his diſcovery of the exact length of the ſolar year, and a method of correcting all the errors in the kalendar;—his diſcovery of the art of making reading-glaſſes, the camera obſcura, microſcopes, teleſcopes, and various other mathematical and aſtronomical inſtruments;—his diſcovery of gunpowder, of the method of making elixirs, tinctures, ſolutions, and of performing all the chymical operations that are now in uſe;—his diſcoveries of the nature of the mechanical powers, and of the beſt methods of applying and combining them in the conſtruction of machines for performing many uſeful and ſurpriſing operations;—his diſcoveries in medicine, for curing diſeaſes, and prolonging life;—this writer, I ſay, having enumerated theſe diſcoveries, proceeds in the following manner:—"Theſe are wonderful diſcoveries for a man to "make, in ſo ignorant an age, who had no maſter

[23] A. Wood, Hiſt. Oxon. l. 1. p. 79.

"to

"to teach him, but ſtruck it all out of his own "brain: but it is ſtill more wonderful, that ſuch "diſcoveries ſhould lie ſo long concealed, till in "the next ſucceeding centuries other people "ſhould ſtart up, and lay claim to the merit of "theſe very inventions, to which Bacon alone had "a right [24]."

His writings.

According to Leland, Bale, and other literary hiſtorians, the writings of friar Bacon were very numerous [25]. But it plainly appears that theſe writers have divided one work into many, and, by multiplying titles, have repreſented them as much more numerous than they really were [26]. It is to be hoped, that ſome man of learning, leiſure, and induſtry, and placed in favourable circumſtances, will ſoon ariſe, who, by employing his time in collecting, arranging, and publiſhing all the genuine works of the illuſtrious Roger Bacon, will do honour to his country, and juſtice to the memory of one of the greateſt men it ever produced.

Michael Scot.

Michael Scot of Balwirie was born in the laſt years of the twelfth, or the firſt of the thirteenth century, at the ſeat of his family, in the county of Fife in Scotland [27]. Having received the firſt part of his education in his native country, he was ſent to Oxford, where many of the Scottiſh youth in

24 Dr. Freind's Hiſtory of Phyſic, vol. 2. p. 239. edit. 4.

25 Leland de Script. Britan. tom. 2. p. 258. Bale, Script. Britan. cent. 4. p. 342.

26 See Biograph. Britan. Life of R. Bacon.

27 Dempſter, lib. 12. p. 494.

thoſe

thoſe times proſecuted their ſtudies. How long our author continued at Oxford, is unknown; but, according to the cuſtom of other lovers of learning, he went from thence to Paris, where he obtained the higheſt academical honours, and the title of *the Mathematician* among the learned, and of *the Magician* among the vulgar [28]. The fame of his learning procured him an invitation from the emperor Frederick II. who was by far the moſt learned prince in Europe, and the greateſt encourager and patron of learned men that flouriſhed in the thirteenth century. One of the literary projects of that excellent prince was to procure Latin tranſlations of the works of Ariſtotle, and of the other philoſophers and phyſicians of Greece; and in the execution of this project, Michael Scot was employed during ſome part of the time that he reſided at the imperial court. For this taſk he was believed to be better qualified than many other ſcholars, by his knowledge of Ariſtotle's philoſophy, and of the Greek and Arabic languages. Accordingly we are told by friar Bacon, that the tranſlations of the phyſical and mathematical works of Ariſtotle, and of his beſt commentators, that were publiſhed by Michael Scot, A. D. 1230, were the cauſe of the high admiration and ſupreme authority which that philoſopher obtained among the Latins after that period [29]. Theſe tranſlations our author dedicated to his illuſtrious patron the

[28] Bulæi Hiſt. Univerſ. Pariſ. tom. 3. p. 701. Bale, de Script. Britan. cent. 4. p. 351.

[29] R. Bacon, Opus Majus, p. 36, 37.

emperor

emperor Frederick II. at whoſe deſire they had been undertaken and executed.

His ſtudies.

Michael Scot, like many of his contemporaries, ſpent too much of his time and thought in the ſtudy of aſtrology. On this vain fallacious ſcience he compoſed a very voluminous work, at the command of the ſame emperor, to whom he was aſtrologer; an office which was in thoſe times both lucrative and honourable[30]. He was alſo keenly engaged in the ſtudy of alchymy, or the tranſmutation of metals; and wrote a book on the nature of the ſun and moon, which, in the myſtical language of alchymiſts, ſignify gold and ſilver[31]. Influenced by the prevailing taſte of the times in which he flouriſhed, he even applied to the ſtill more frivolous ſtudies of chiromancy and phyſiognomy, which pretend to teach the art of diſcovering the diſpoſitions and fortunes of men, by the lines of their hands and features of their faces. In a word, the following character of this author, drawn by one who had ſtudied his works, ſeems to be very juſt: "He was one of the greateſt philoſophers, mathe- "maticians, phyſicians, and linguiſts of his age, "and, had he not been too much addicted to the "vain ſtudies of judicial aſtrology, alchymy, phy- "ſiognomy, and chiromancy, he would have de- "ſerved better of the republic of letters. His "too great curioſity in theſe matters made the "vulgar look upon him as a magician; though

30 Tanner de Script. Ang. p. 526.

31 Mackenzie's Lives of Scots Writers, vol. 1. p. 211.

" none ſpeaks or writes more reſpectfully of God " and religion then he does [32]." So ſtrong were the convictions of his countrymen that he was a magician, that Dempſter aſſures us, many people in Scotland in his time dared not ſo much as to touch his works [33].

His death.

After the death of his illuſtrious patron, the emperor Frederick II. A. D. 1250, our author returned into Britain, where he is ſaid to have lived to a very great age, and to have died A. D. 1290 [34].

John Duns Scotus.

John Duns Scotus was ſo famous for his genius and learning, that England, Scotland, and Ireland, have contended for the honour of his birth [35]. This controverſy I ſhall not take upon me to determine; though his name ſeems to favour the opinion, that he was born at Duns in Berwickſhire, or the Merſe, in Scotland [36]. The preciſe time of his birth is alſo unknown; but from ſeveral circumſtances it appears moſt probable, that it was about A. D. 1265. He entered, when he was very young, into a monaſtery of the Franciſcans at Newcaſtle; who, diſcovering the quickneſs of his genius, ſent him to Merton college in Oxford, to proſecute his ſtudies [37]. In this famous ſeat of learning, our young ſcholar ſoon became conſpicuous by the rapidity and facility with which he advanced in the acquiſition of all the ſciences. In

32 Mackenzie's Lives of Scots Writers, vol. 1. p. 214.
33 Tanner, p. 526. 34 Bale, cent. 4. p. 352.
35 Du Pin, cen. 14 p. 52. 36 Mackenzie's Lives, vol. 1. p. 215.
37 Bruckeri Hiſt. Philoſ. tom. 3. p. 826.

parti-

particular, he greatly excelled all his contemporaries in the admired art of logical diſputation, by the quickneſs and ſubtilty of his diſtinctions, and the fecundity of his invention. He made great progreſs in natural and moral philoſophy, and in all the different branches of mathematical learning; after which he applied to the ſtudy of the civil and canon law, and ſchool-divinity [38]. When our author had for ſome time enjoyed a fellowſhip in his own college, he was advanced to the theological chair in the univerſity A. D. 1301: a ſtation for which he was admirably fitted, and in which he had an opportunity of diſplaying, to great advantage, the immenſe ſtores of learning which he had amaſſed. Accordingly we are told that his lectures on the ſentences of Peter Lombard were attended by incredible multitudes of hearers, and received with great applauſe. For at the time when theſe lectures were delivered, we are aſſured, that there were no fewer than thirty thouſand ſtudents in the univerſity of Oxford, of whom many were attracted by the fame of our profeſſor's eloquence and learning [39]. Theſe admired lectures have been printed, and, together with ſome comments upon them, fill ſix folio volumes [40].

Removes to Paris.

Oxford was not long permitted to enjoy the advantage of ſo popular a profeſſor. For he was

[38] Bruckeri Hiſt. Philoſ. tom. 3. p. 826. Cave Hiſt. Lit. Append. p. 2.

[39] Bruckeri Hiſt. Philoſ. tom. 3. p. 826. A. Wood, l. 1. p. 80. Cave, Append. ad Hiſt. Lit. p. 2.

[40] Du Pin, cent. 14. chap. 5.

com-

commanded by the general of his order, A. D. 1304, to remove to Paris, to defend his doctrine of the immaculate conception of the virgin Mary which was impugned by the divines of that city. This he performed with great applauſe, in an aſſembly of the univerſity of Paris, called for the determination of that important queſtion. The adverſaries of the immaculate conception collected all their force on this occaſion, and produced no fewer, it is ſaid, than two hundred objections to that doctrine. "Scotus heard them with great "compoſure; and in his reply, he recapitulated "all their objections, and refuted them with as "much eaſe as Sampſon broke the cords of the "Philiſtines; after which he proved, by many "ſtrong arguments, to the amazement and con-"viction of all his hearers, that the moſt holy "Virgin was conceived without the ſtain of origi-"nal ſin. The univerſity of Paris beſtowed on "him the title of *the ſubtile Doctor*, as a reward "for his victory in this famous diſpute [41]." One of this illuſtrious aſſembly, who was a ſtranger to the perſon, but not to the fame, of Scotus, was ſo much charmed, that he cried out,—"This is "either an angel from heaven, a devil from hell, "or John Duns Scotus [42]."

When Scotus had continued about four years at Paris, he was ſent by Gonſalvo, the general of the Franciſcan order, to Cologne, A. D. 1308, Removes to Cologne.

[41] Bulæi Hiſt. Univ. Pariſ. tom. 4. p. 70.
[42] Hugo Cavillus in Vita J. Duns Scoti.

to found an univerſity in that city, in imitation of that of Paris, and to defend his favourite doctrine of the immaculate conception againſt the diſciples of Albert the Great[43]. He met with a moſt honourable reception at Cologne; but died ſoon after his arrival, November 8, A. D. 1308, in his forty-fourth year, or, according to ſome hiſtorians, only in the thirty-fourth year of his age[44].

Praiſed. Few men of learning have been ſo much admired by their contemporaries, or loaded with ſuch extravagant praiſes by their followers, who from him were called *Scotiſts*, as John Duns Scotus. It may not be improper to give one example of the pompous ſtrain of theſe panegyrics: "He was ſo conſummate a philoſopher that he "could have been the inventor of philoſophy, if "it had not before exiſted. His knowledge of all "the myſteries of religion was ſo profound and "perfect, that it was rather intuitive certainty "than belief. He deſcribed the divine nature as "if he had ſeen God;—the attributes of celeſtial "ſpirits, as if he had been an angel;—the felici-"ties of a future ſtate, as if he had enjoyed them; "—and the ways of providence, as if he had "penetrated into all its ſecrets. He wrote ſo "many books that one man is hardly able to "read them, and no one man is able to under-"ſtand them. He would have written more, if "he had compoſed with leſs care and accuracy.

43 Bulæi Hiſt. tom. 4. p. 970.
44 Id. ibid. Hugo Cavillus in Vita.

"Such

"Such was our immortal Scotus, the moſt inge-
"nious, acute, and ſubtile of the ſons of men [45]."
It is related of him, that he ſometimes fell into ſuch profound meditations that he remained ſeveral hours motionleſs, and inſenſible to all external objects [46]. In a word, it may be affirmed, without exaggeration, that few men ever poſſeſſed a more fertile invention, a more attentive memory, a more acute and penetrating genius, or a more unremitting application to ſtudy, than John Duns Scotus; but, unfortunately for him, and for the world, all thoſe noble talents were miſapplied and waſted on the ſubtilties of ſchool philoſophy and the abſurdities of ſchool-divinity. Conſidering the ſhortneſs of his life, he was one of the moſt voluminous writers that ever lived. Many of his writings have been ſeveral times printed; but the moſt complete edition of his works is that which was publiſhed by Waddingus, at Lyons, A. D. 1639, in twelve volumes folio [47]. Theſe works, which were ſo highly admired that about twenty different authors wrote commentaries upon them, are now conſigned to duſt, and almoſt quite neglected.

William Ockham, one of the moſt diſtinguiſhed diſciples of John Duns Scotus, and the founder of a ſect of ſchoolmen called *Ockhamiſts*, was born at Ockham, in Surry, about A. D. 1280 [48]. When William Ockham.

45 Bruckeri Hiſt. Philoſ. tom. 3. p. 828. n.
46 Hugo Cavillus in Vita J. D. S. ch. 3. 47 Du Pin, cent. 14.
48 Bruckeri Hiſt. Philoſoph. tom. 3. p. 846.

he was very young, he entered into the order of St. Francis, and profecuted his ſtudies with great ardour and ſucceſs, firſt at Oxford, and afterwards at Paris [49]. In both theſe univerſities he was a conſtant hearer and great admirer of Scotus: but being of a bold inquiſitive ſpirit, he did not yield an implicit faith to all the doctrines of his illuſtrious maſter. On the contrary, he impugned ſome of his opinions with ſo much vigour and ſucceſs, that he obtained many followers, who, on that account, were called *Ockhamiſts;* and ſometimes *Nominals*, becauſe they waged a long and fierce war againſt another ſect of ſchoolmen, called *Realiſts*, about certain metaphyſical ſubtilties which neither of them underſtood [50].

Defends the emperor againſt the pope.

Ockham acted a very conſpicuous part in thoſe violent diſputes which diſquieted the chriſtian world during the pontificate of John XXII. from A. D. 1316 to A. D. 1334; and in all thoſe diſputes he oppoſed the heretical principles and ambitious pretenſions of the pope with great vivacity and courage. He was made provincial of the Franciſcans in England, in a general aſſembly of the order, A. D. 1322; and in that aſſembly he very boldly defended the principles of that party of the Franciſcans who were called *the Spiritual Brethren*, which the pope had condemned as heretical, by two ſolemn decrees [51]. He alſo impugned, with much

49 Leland de Script. Britan. tom. 2. p. 323.

50 Vide Bruckeri Hiſt. Phil. tom. 3. p. 904—912.

51 Id. ibid. p. 847. Du Pin, cent. 14. ch. 3.

vehe-

vehemence, the favourite doctrine of John XXII. —that the ſouls of good men were not admitted to the viſion of God, and the happineſs of heaven till after the reſurrection. His holineſs was ſo highly enraged at this preſumption, that he pronounced the terrible ſentence of excommunication againſt our author; which obliged him to live in great privacy for ſeveral years. In this retirement he compoſed ſome of his works, particularly his Compendium of the hereſies of pope John XXII. of which he enumerated no fewer than ſeventy-ſeven [52].

Retires to the emperor's court.

Our author at length found a powerful protector in Lewis of Bavaria, emperor of Germany, in whoſe court he took ſhelter, A. D. 1328 [53]. This prince, who had been long and cruelly perſecuted, and at laſt depoſed and excommunicated, by the pope, received his fellow-ſufferer in a very gracious manner, and appointed him one of his privy counſellors. In return for theſe favours, Ockham publiſhed ſeveral treatiſes in defence of the emperor, and in oppoſition to that favourite maxim of the papal court, which had been boldly avowed by Boniface VIII. A. D. 1301,—"*That all emperors, kings, and princes, are ſubject to the ſupreme authority of the pope, in temporals as well as ſpirituals* [54]." In oppoſition to this dangerous doctrine, which was not very ſuitable to the humble title of *the Servant of Servants*, Ockham maintained,—That the em-

[52] Tanner de Script. Angl. &c. p. 555. [53] Id. ibid.
[54] Bul. Hiſt. Univer. Pariſ. tom. 4. p. 7.

peror was ſubject to none but God in temporals. The learned Selden gives the following high character of one of our author's political treatiſes, publiſhed on this occaſion.—"It is a moſt learned "and ingenious work, which merits the higheſt "commendations; and in my opinion, it is the "very beſt performance publiſhed concerning the "limits of the ſpiritual and temporal powers [55]." So much did theſe ſpirited publications of our author contribute to ſupport the emperor's cauſe, that he uſed to addreſs that prince in this familiar manner: "If you will defend me by your ſword, "I will defend you by my pen [56]."

Obliged to recant.

During the life of the emperor, his protector, Ockham ſmiled in ſafety at the impotent rage of three ſucceſſive popes, John XXII. Benedict XII. and Clement VI. who denounced the moſt direful anathemas againſt him. But after the death of that prince, which happened October 11, A. D. 1347, he found himſelf no longer in a capacity to brave the papal thunders, and was conſtrained to court a reconciliation with the church by the moſt humiliating ſubmiſſions. Some literary hiſtorians indeed ſay, that he died about ſix months before the emperor, his patron, April 10, A. D. 1347 [57]. But this is evidently a miſtake; for, by the interceſſion of the Franciſcan order, he obtained abſolution from Clement VI. by a bull dated at Avig-

55 Selden de Synedriis, l. 1. c. 10. p. 228.
56 Wharton, apud Cave, Hiſt. Lit. Append. p. 26.
57 Tanner, p. 556.

non,

non, June 19, A. D. 1349, upon condition of renouncing all his former hereſies, and ſwearing implicit ſubmiſſion to every papal deciſion and mandate for the future [58]. He did not long ſurvive this mortifying abjuration of all thoſe opinions which he had laboured with ſo much ardour to eſtabliſh, dying at Capua, in Italy, September 20, A. D. 1350 [59]. He was unqueſtionably a man of genius, induſtry, and learning, and would have been happier and more uſeful if he had lived in better times. A catalogue of his numerous works may be ſeen in the authors quoted below [60]. According to the cuſtom of the age in which he flouriſhed, he was honoured with the pompous title of *the ſingular and invincible Doctor*.

John Wickliff.

The moſt important events in the life of the famous Dr. John Wickliff, who is well intitled to a diſtinguiſhed place in the hiſtory of his country, for his noble efforts to deliver it from the intolerable tyranny of the church and court of Rome, have been already mentioned; and therefore a very brief account of his perſonal hiſtory, character, and literary labours, will be ſufficient in this place [61]. He was born in the pariſh of Wickliff, near Richmond, in the county of York, about A. D. 1324 [62]; and educated at Oxford, where [illegible]rited the higheſt academical honours, obtained ſucceſſively the government of Baliol and

58 Bul. Hiſt. Univerſ. Pariſ. tom. 4. p. 317. 59 Tanner, p. 556.
60 Id. ibid. Wharton, p. 26. Leland, p. 324. Bal. cent. v. p. 396. 61 See chap. 2. § 2. 62 Tanner, p. 767.

Canterbury colleges, and was advanced to the profeſſorſhip of divinity [63]. His theological lectures were delivered to crowded audiences, and received with incredible applauſe; which contributed not a little to diſſeminate his doctrines, which were very different from thoſe of the church at that time [64]. In particular he combated with great ſpirit the exorbitant power and ambitious pretenſions of the court of Rome in temporals as well as ſpirituals; and with equal ſpirit he oppoſed the encroachments of the begging friars, who were the great ſupporters of the papal power [65]. Having entered into holy orders, and obtained, firſt, the living of Fillingham in Lincolnſhire, and afterwards the rectory of Lutterworth in Leiceſterſhire, he further propagated his opinions, by his frequent, eloquent, and popular preaching [66]. By his numerous writings in the Engliſh language, he ſtill further diffuſed the knowledge of his doctrines, and expoſed the ſloth, hypocriſy, and other vices of the mendicant friars, together with the various corruptions of the court and church of Rome. In a word, ſuch was the ſucceſs of the teaching, preaching, and writings, of our author, that a contemporary hiſtorian, who appears to have been his moſt inveterate enemy, aſſures us,—"that "more than one half of the people of E[illegible] "became his followers, and embraced his doc-

63 Wharton, p. 50.
64 Leland, p. 379.
65 Lewis's Life of Wickliff, p. 316. A. Wood, p. 181
66 Knyghton, col. 2663. Walſing. p. 304, &c.

"trines."

"trines[67]." The violent oppoſition which he encountered from the pope and clergy, the powerful ſupport he received from the duke of Lancaſter, and other great men among the laity, as well as the time and manner of his death, have been already mentioned[68]. But it may not be improper to take notice in this place, that the malice of his enemies did not permit him to remain in quiet in his grave. In conſequence of a decree of the council of Conſtance, and a bull of pope Martin V. directed to Robert Fleming biſhop of Lincoln, his bones were taken up and burnt, and the aſhes thrown into a rivulet[69]: an act of impotent malevolence which is hardly credible!

Calumnies of the clergy.

The pope and clergy not only perſecuted the perſon of Dr. Wickliff during life, and his aſhes after death, but did every thing in their power to blacken his character and deſtroy his works. The two monkiſh hiſtorians, Walſingham and Knyghton, his contemporaries, have given him almoſt every opprobrious name in the Latin language; but have not been able to accuſe him of any immorality[70]. His doctrines were condemned by various councils after his death; and his works which contained theſe doctrines were burnt whenever they could be found. Subynco archbiſhop of Prague in Bohemia (where the doctrines of Wickliff had made great progreſs), publicly burnt more

[67] Knyghton, col. 2664. [68] See chap. 2. § 2.
[69] Lewis, p. 110.
[70] Walſing. p. 205. 208. 246. 283. Knyghton, col. 2644—2661.

than

than two hundred volumes of his works that were beautifully written, and finely bound and ornamented [71]. About the ſame time a great number of his books were publicly burnt at Oxford, by a decree of the univerſity, and under the inſpection of the chancellor [72]. But all theſe attempts to deſtroy the works of Wickliff were ineffectual; and we have good reaſon to believe that ſome copies of all his numerous publications eſcaped. The learned biſhop Bale, who flouriſhed in the ſixteenth century, affirms, "That he had ſeen "about one hundred and fifty treatiſes of Dr. "Wickliff, ſome of them in Latin, and others in "Engliſh, beſides his tranſlations of ſeveral "books [73]." His tranſlation of the bible into Engliſh was one of his greateſt and moſt uſeful works: for a catalogue of which works, the authors quoted below may be conſulted [74].

Praiſes. The endeavours of the pope and monks to blacken the character, and diminiſh the fame, of Dr. Wickliff, were as ineffectual as their attempts to deſtroy his works. The ſuperiority of his genius and learning was ſo conſpicuous, that it was acknowledged by his greateſt enemies. The hiſtorian Knyghton, who hated him heartily for his attempt to reform the church, is conſtrained to "own, that no man excelled him in the ſtrength

[71] Æneas Sylvius Hiſt. Bohem. chap. 35.
[72] A. Wood, l. 1. p. 204.
[73] Tanner Bibliothec. Britan. p. 771.
[74] Id. ibid. Wharton. p. 53. Bale cent. 6. c. 1.

" and number of his arguments; and that he ex-
" celled all men in the irreſiſtible power of his
" eloquence in diſputation [75]." Walden, who was his moſt inveterate enemy, acknowledged in a letter to pope Martin V. " that he had often
" ſtood amazed beyond meaſure, at the excellence
" of his learning, the boldneſs of his aſſertions, the
" exactneſs of his authorities, and the ſtrength of
" his arguments [76]." The following character of this great and good man was drawn by an able hand, and appears to be juſt: " Dr. John Wick-
" liff was a man, than whom the chriſtian world
" in theſe laſt ages hath not produced a greater.—
" He excelled all his contemporaries in all the
" different branches of theological learning, and
" in the knowledge of the civil and canon law.
" His heart was inflamed with the moſt ardent love
" to God, and good-will to men; which excited
" him to the moſt ſtrenuous efforts to reſtore the
" church to its primitive purity. The eminence
" of his piety and virtue his greateſt adverſaries
" never dared to call in queſtion, and to the ſu-
" periority of his natural and acquired abilities they
" have been compelled to bear teſtimony [77]."

Several other ſchool-divines and philoſophers flouriſhed in Britain, in the thirteenth and fourteenth century, and for a ſeaſon enjoyed a conſiderable ſhare of literary fame; but as their works

75 Knyghton, col. 2664.
76 Bale, cent. 6. c. 1. p. 456. Wharton, p. 52.
77 Bale, cent. 6. c. 1. p. 456. Wharton, p. 52.

are

are now neglected, it would be improper to ſwell this ſection with their hiſtory.

Hiſtorians. The Britiſh hiſtorians of this period were very numerous; but only a very few of them were ſo conſpicuous for their abilities as to merit a place in the general hiſtory of their country; and of theſe few it will be ſufficient to give a very brief account.

Matthew Paris. Though Matthew Paris was unqueſtionably one of the moſt faithful and beſt informed of all the Engliſh hiſtorians of the thirteenth century, his own perſonal hiſtory is very imperfectly preſerved; and is chiefly to be collected from his own writings. We are not informed of the particular time or place of his birth, nor from what family he was deſcended. The firſt circumſtance of his life we know with certainty is, that he took the habit of a monk, in the abbey of St. Alban's, January 21, A. D. 1217 [78]. In this abbey he continued long, and became ſo famous for his learning, piety, and virtue, that he obtained the eſteem and confidence of ſeveral great princes. With his own ſovereign Henry III. he appears to have been on a very friendly and familiar footing; not only employed in his ſervice, but entruſted with his ſecrets, invited to his table, favoured with long and frequent converſations, and even aſſiſted in the compoſition of his hiſtory of England [79]. "He who wrote this (ſays he) was almoſt conſtantly with the king in

[78] M. Paris, edit. Pariſiis, A. D. 1644. Præfat. p. 3.
[79] M. Paris, Hiſt. Angl. p. 494. 636.

"his

" his palace, at his table, or in his cloſet; and " that prince guided his pen in writing in the moſt " diligent and condeſcending manner [80]." At the ſame time our author ſtood in the higheſt point of favour with Haco king of Norway, a wiſe and learned prince, with whom he correſponded by letters, and for whom he tranſacted ſome important affairs in London, to his entire ſatisfaction [81]. At length, when the monks of that kingdom had become extremely ignorant and diſorderly, Matthew Paris was eſteemed the moſt proper perſon in the church to be employed in an attempt to inſtruct and reform them. Accordingly in compliance with a bull from pope Innocent IV. and an earneſt application from the king of Norway, he made a voyage into that country, A. D. 1248, where he ſpent about a year in reſtoring monaſtic diſcipline to its primitive ſtrictneſs and regularity [82]. During his reſidence in Norway, he acted alſo as ambaſſador for Lewis IX. king of France, whoſe friendſhip he had gained by his learning and integrity [83]. But though our author was a favourite, he was not a flatterer, of kings. On the contrary, he expoſtulated with and admoniſhed his own ſovereign with much freedom, when he acted imprudently or unjuſtly [84]. When Henry III. had granted, by charter, to one of his courtiers, a liberty of hunting in the lands belonging to the

[80] M. Paris, Hiſt. Angl. p. 494 636. [81] Id. p. 504. col. 1.
[82] Id. p. 504. col. 2. [83] Id. p. 496. col. 1.
[84] Id. p. 524. col. 2.

abbey

abbey of St. Albans, directly contrary to the privileges which he had before granted by charter to that abbey, our author tells us, that he went boldly to the king, and reproached him for this unjuſt proceeding; to which the king replied, that he had only imitated the pope, who daily revoked the privileges he had granted, and beſtowed them upon others, by the clauſe of *non obſtante* in his bulls [85]. No hiſtorian who hath recorded the tranſactions of his own countrymen in his own times, can be compared with Matthew Paris for intrepidity. He cenſured without any ceremony, and in the plaineſt language, the vices and follies of perſons of the higheſt rank and greateſt power. Though he was a monk, he hath painted the inſatiable avarice, intolerable tyranny, unbounded luxury, and abandoned perfidy of the court of Rome, in ſtronger colours than any proteſtant writer hath done [86]. From all his writings he appears to have been a man of genius, taſte, and learning. "He was (ſays a literary hiſtorian) an "elegant poet, an eloquent orator, an acute logi-"cian, a ſubtile philoſopher, a ſolid divine, a "celebrated hiſtorian, and, which crowned the "whole, a man juſtly famous for the purity, inte-"grity, innocence, and ſimplicity of his man-"ners [87]." In his leiſure hours he amuſed himſelf with the ſtudy and practice of the fine arts;

[85] M. Paris, Hiſt. Angl. p. 524. col. 2.

[86] Vide Opera M. Paris, paſſim. Edwardi Brown Appendix ad Faſciculum Rerum expetendarum, p. 415—436.

[87] Pit's Relat. Scriptor. ſcript. 367.

and

and (if we may believe the hiſtorian of his own abbey) he was an exquiſite ſculptor in gold, ſilver, and other metals, and the beſt painter of the age in which he flouriſhed [88]. This virtuous, learned, and ingenious perſon paid the laſt debt to nature, A. D. 1259, at St. Alban's, where he had reſided above forty years, and never obtained any higher office than that of hiſtoriographer [89].

Works. The theological works of Matthew Paris have ſhared the ſame fate with thoſe of many of his contemporaries; but his hiſtorical labours have been more fortunate, and have ſecured the grateful remembrance of poſterity to their author. The greateſt and moſt valuable of theſe hiſtorical works is entitled *Hiſtoria Major*, which is a very full hiſtory of England, from the Conqueſt, A. D. 1066, to the 43d of Henry III. A. D. 1259. In the firſt part of that work, from the Conqueſt to A. D. 1235, our author was much indebted to the labours of Roger de Wendover, his predeceſſor in the office of hiſtoriographer in the abbey of St. Albans, and it was continued after his death to A. D. 1273, by William Riſhanger his ſucceſſor in that office [90]. For the honour of his own abbey, our author wrote the lives of the two Offas kings of Mercia (of whom Offa II. was the founder of that abbey), and alſo the lives of the twenty-three firſt abbots of St. Alban's. To theſe works he ſubjoined *Additamenta* (additions), containing

[88] Tanneri Biblioth. Britan. p. 573.
[89] Id. ibid.
[90] Id. ibid. p. 757. 634.

taining certain facts, papers, letters, ſpeeches, &c. which had not come to his knowledge in due time, or which he had neglected to inſert in their proper places. The above hiſtorical compoſitions have been ſeveral times printed[91], and will be peruſed with pleaſure by every lover of Engliſh hiſtory and antiquities, who can forgive our author for believing and introducing ſo many ridiculous miracles, apparitions, predictions, &c.; becauſe that kind of credulity was the folly of the times rather than of the man. The firſt part of Matthew of Weſtminſter's Flowers of Hiſtory, from the creation of the world to the conqueſt of England, is ſaid to be almoſt an exact tranſcript of a work of Matthew Paris which hath never been printed. Beſides all theſe, our author made an abridgment of his *Hiſtoria Major*, or Larger Hiſtory of England, with the title of *Hiſtoria Minor;* which is ſtill preſerved in MS[92].

Thomas Wykes.

We know ſtill leſs of the perſonal hiſtory of Thomas Wykes than of his contemporary Matthew Paris. He was a regular canon, of the order of St. Auguſtine, in the abbey of Oſney, near Oxford; and improving his favourable ſituation for the acquiſition of learning, became famous for the variety and extent of his erudition. Beſides ſeveral other works on different ſubjects, he compoſed a hiſtory or chronicle of England, from the

[91] London, A. D. 1640—1684. Paris, 1644.

[92] Tanner, Bibliothec. p. 572.

Conqueſt,

Conqueſt, A. D. 1066, to A. D. 1304, ſoon after which period it is probable he died [93].

Walter Hemmingford. Walter Hemmingford was a monk in the abbey of Giſburn, in Yorkſhire, of the ſame order with Thomas Wykes, and alſo wrote a hiſtory of England, nearly of the ſame period, beginning at the Conqueſt, and ending A. D. 1347, in which year he died [94]. We do not ſo much as know with certainty to what monaſteries John de Trokelowe, and Henry de Blaneforde, two monks who wrote hiſtories of the reign of Edward II. belonged, and therefore they are mentioned here only to recommend their works, together with that of the anonymous monk of Malmſbury, on the ſame ſubject, to the attention of Engliſh antiquaries and hiſtorians, as containing many curious particulars which are nowhere elſe to be found [95].

Robert de Aveſbury. Robert de Aveſbury, who was regiſter of the archbiſhop of Canterbury's court, compoſed a hiſtory of England in his own times, with the following title:—"Mirabilia geſta Magnifici Regis "Angliæ Domini Edwardi Tertii poſt Con- "queſtum, Procerumque; tactis primitus qui- "buſdam geſtis in tempore patris ſui Domini "Edwardi Secundi, quæ in regnis Angliæ, "Scotiæ, et Franciæ, ac in Aquitania et Britan-

[93] Vide Hiſtoriæ Anglicanæ Scriptores Quinque; Oxoniæ, A. D. 1687.

[94] Id. ibid. Walteri Hemmingford Hiſtoria, a T. Hearn, edit. Oxon. 1731, tom. 2.

[95] Johannes de Trokelowe Annal. &c. a T. Hearn, edit. Oxon. 1729.

"nia, non humana ſed Dei potentia, contigerunt; "per Robertum de Aveſbury, Curiæ Cantua- "rienſis Regiſtri Cuſtodem, compilata."—i. e.— "The wonderful acts of the magnificent king lord "Edward the third after the Conqueſt, and of his "nobles; to which are premiſed ſome hints of the "tranſactions in the time of his father Edward "the ſecond, in the kingdoms of England, Scot- "land, and France, as alſo in Aquitain and "Britanny, which happened, not by the power "of man, but of God; compiled by Robert of "Aveſbury, keeper of the regiſter of the court "of Canterbury."

Our author was probably prevented by death from finiſhing his plan; for his hiſtory reaches only to the thirtieth of Edward III. A. D. 1356. He appears to have been at great pains to procure the moſt authentic information; and his work is valuable for the ſincerity with which it is written, and the original papers it contains [96].

Nicholas Trivet.

Nicholas Trivet, ſon of ſir Thomas Trivet of the county of Norfolk, was born about A. D. 1258, and in his youth became a Dominican friar in London. Having a genius and taſte for learning, he proſecuted his ſtudies with great ſpirit and diligence, firſt at Oxford, and afterwards at Paris. Soon after his return to England, he was choſen prior of his monaſtery, and diſcharged the duties of that office, with great honour to himſelf and

[96] Roberti de Aveſbury Hiſtoria, a T. Hearn, edit. Oxon. A. D. 1720.

advan-

advantage to the ſociety, to the time of his death, A. D. 1328. He was a voluminous writer on various ſubjects in philoſophy and divinity; but he is introduced in this place becauſe he was the author of Hiſtorical Annals from A. D. 1130, to A. D. 1307 [97]. Of this work he gives the following account in his preface: "When I "ſtudied at Paris, I read the hiſtories of France "and Normandy with great care, and faithfully "extracted out of them every thing that related "to the Engliſh nation. From theſe extracts,— "together with what I collected from our Engliſh "chronicles,—what came to my own knowledge, "—and what I learned from the information of "men worthy of credit,—I have compoſed the fol- "lowing hiſtory of the kings of England of the "Plantagenet family, from Henry II. to our own "times. But though I have beſtowed my chief "attention on the affairs of England, I have oc- "caſionally introduced ſuch accounts of the tranſ- "actions of the contemporary popes, emperors of "Germany, kings of France, and ſome other "princes, as had come to my knowledge, in "order to render my work more univerſally uſeful "and agreeable [98]."

It would be tedious to many readers to peruſe the ſhort memoirs which remain of the other hiſtorians of this period, as of Matthew of Weſtminſter, Ralph Higden, Henry Knyghton, John

[97] Leland de Script. Britan. t. 2. p. 326.
[98] Nicolai Triveti Annal. edit. Oxon. 1719. p. 2.

de Fordun, Adam de Merimuthe, Thomas Stubbs, William Thorn, &c. &c.; and therefore ſuch as wiſh to be acquainted with them, are referred to the authors quoted below [99].

Poets. Poetaſters abound in every age; but real and great poets, who do honour to their country, and merit a place in its hiſtory, are commonly very few. Of ſuch excellent poets, who were alſo men of uncommon worth and learning, I know only three, viz. John Gower, Geoffrey Chaucer, and John Barbour, who flouriſhed in Britain in the preſent period.

John Gower. That John Gower, or rather ſir John Gower, was of an ancient and opulent family is highly probable; but where that family was ſeated is not certainly known [100]. He was born about A. D. 1320, and having received a learned education, and attained a proper age, he engaged in the ſtudy of the law at the Inner Temple, with ſuch diligence, that he became eminent in his profeſſion [101]. His application to theſe ſeverer ſtudies did not divert him from courting the muſes at his leiſure-hours, and that with ſo much ſucceſs, that he became one of the moſt admired poets of the age in which he flouriſhed. Beſides ſeveral ſmaller pieces, he compoſed three poems of conſiderable length, in three different languages, Latin, French, and Engliſh. To theſe poems he gave the three

99 Leland, Bale, Pits, Tanner, &c.
100 Biograph. Britan. 1ſt edit. vol. 4. p. 2242.
101 Tanner, p. 335.

following

following fanciful and pedantic titles:—*Speculum Meditantis*,—*Vox Clamantis*,—*Confeſſio Amantis* [102]. *Speculum Meditantis*, written in French, is a moral poem, recommending fidelity and mutual love to married perſons, by examples out of various hiſtories. *Vox Clamantis*, written in Latin, is a hiſtorical poem or chronicle of the inſurrection of the commons in the reign of Richard II. The ſolemnity of the ſtyle, and lowneſs of the ſubject of this poem, gives it in ſome places a burleſque appearance, as in the following catalogue of the leaders of the inſurgents:

Watte vocat, cui Thomæ venit, neque Symme retardat,
Bitteque, Gibbe, ſimul Hykke, venire jubent.
Colle furit, quem Gibbe juvat nocumenta parantes,
Cum quibus ad damnum Wille coire vovit.
Grigge rapit, dum Daive ſtrepit, comes eſt quibus Hobbe
Lorkin, et in medio non minor eſſe putat.
Hudde ferit quos Judde terit, dum Tibbe juvatur
Jakke domos que viros vellit, et enſe necat, &c. &c.

Theſe two poems are ſtill in MS. *Confeſſio Amantis*, written in Engliſh at the deſire of Richard II. is a poetical ſyſtem of morality, illuſtrated by many amuſing tales, happily invented and naturally introduced. This poem hath been ſeveral times printed [103]. Our author hath left various ſpecimens of his ſkill in divinity, logic, natural philoſophy, and alchymy. He appears to have been fond of writing; and laments, in a very pathetic ſtrain, that by the failure of his ſight in his

[102] Tanner, p. 335.

[103] Biographia, vol. 4. p. 2344.

old age, he was conſtrained to lay aſide his pen [104]. He died A. D. 1402, and was buried in the conventual church of St. Mary Overie, in Southwark, which he had rebuilt chiefly at his own expence. Upon the whole, ſir John Gower was evidently a man of uncommon genius, extenſive learning, and amiable manners, one of the fathers of Engliſh poetry, and one of the firſt who wrote with any conſiderable ſucceſs in the Engliſh language.

Geoffrey Chaucer.

Geoffrey Chaucer, the contemporary and intimate friend of Gower, was born in London about A. D. 1328; but all attempts to diſcover the names and rank of his parents (though they were certainly neither obſcure nor indigent), have been unſucceſsful [105]. When he had ſpent ſome years in proſecuting his ſtudies, firſt at Cambridge, and afterwards at Oxford, for his further improvement, he viſited France, and ſome other foreign countries; and on his return from his travels, he became a ſtudent of law in the Middle Temple [106]. But this ſtudy not being agreeable to his taſte, he reſolved to try his fortune at court; for which he was admirably qualified, being remarkably handſome in his perſon, elegant in his manners, an univerſal ſcholar, and an admired poet. He accordingly obtained the honourable place of page to Edward III. A. D. 1359, when that illuſtrious

104 Biographia, vol. 4. p. 2246.
105 Chaucer's Works, London, 1721, p. 486. col. 1.
106 Bale, p. 525. Leland, p. 419.

prince

prince was in the ſummit of his proſperity, and the Engliſh court in its higheſt ſplendour, adorned by the captive kings of France and Scotland [107]. In this ſtation he rendered himſelf ſo agreeable to his royal maſter, that he obtained many ſubſtantial marks of his favour, and enjoyed an income of no leſs than one thouſand pounds a-year, equivalent to twelve thouſand pounds at preſent [108]. In this flouriſhing ſtate of his affairs, he married Philippa Rouet, ſiſter to the famous Catharine lady Swynford, then the miſtreſs, and afterwards the wife, of John of Gaunt, duke of Lancaſter, the king's third ſon [109]. By this marriage a connection which he had formed with the duke of Lancaſter was much ſtrengthened, and for ſome time contributed to his promotion; but afterwards involved him in no little trouble, by engaging him in all the political intrigues of that ambitious prince. In particular, the duke of Lancaſter having eſpouſed the cauſe of Wickliff, from political views, and out of hatred to the clergy, our author engaged with warmth, and from principle, in the ſame cauſe. In conſequence of this, having eſpouſed the party of John Comberton mayor of London, A. D. 1382, a zealous Wickliffite, and that party having been ruined by the ſuperior power of the court and clergy, Chaucer, with ſome others, eſcaped to the continent. Here he lived privately ſeveral years, till he had ſpent his whole eſtate in ſup-

[107] Chaucer's Life, prefixed to his works, edit. 1721.
[108] Biograph. Britan. p. 1296. [109] Life of Chaucer.

porting himſelf and his fellow-exiles; which obliged him to return ſecretly into England. Soon after his return, he was apprehended and put in priſon; where, by threats and promiſes, he was prevailed upon to diſcloſe the ſecrets of his party, by which he obtained his liberty, but brought upon himſelf an unſupportable load of calumny [110]. In this deplorable reverſe of fortune, our author retired to Woodſtock, and gave vent to his melancholy in that ſweet plaintive performance,—The Teſtament of Love;—which begins in this manner:—"Alas! Fortune, alas! I that ſome tyme "in delicious houres was wont to enjoy bliſsful "ſtoundes, am now dryve, by unhappy hevineſſe, "to bewaile my ſondrie yvels in tene [111]." When under this cloud, A. D. 1391, he compoſed another of his proſe works, intitled,—"The con-"cluſions of the Aſtrolabie,—for the uſe of his "ſecond ſon Lewis:"—a work which diſcovers an extenſive knowledge in aſtronomy, with an admirable faculty of communicating that knowledge to a child only ten years of age [112]. A few years after this, our author's affairs began to take a more favourable turn. His ancient friend and patron, John of Gaunt duke of Lancaſter (now become his brother-in-law, by his marriage with lady Swynford), having, after a great variety of adventures, recovered his influence at the court of England, procured him ſeveral grants from the

[110] See Chaucer's Teſtament of Love, p. 487—495.
[111] Id. p. 479. [112] Chaucer's Works, p. 439.

crown;

crown; which enabled him to ſpend the laſt years of his life in eaſe and plenty, at his ſeat of Dunnington caſtle, near Newbury [113]. On the acceſſion of Henry IV. the ſon of his late brother and patron the duke of Lancaſter, he found it neceſſary to make a journey to London, where he died, October 25, A. D. 1400, in the ſeventy-third year of his age [114]. Whoever reads the works of Chaucer with attention, will be ſurpriſed at the variety and extent of his learning, as well as charmed with the fertility of his invention, the ſweetneſs of his numbers (for the times in which he lived), and all the other marks of a great and cultivated genius. The writer of his life prefixed to Mr. Urry's edition of his works, hath given him the following character, and produced ſufficient evidence that he deſerved it: "In one word, "he was a great ſcholar, a pleaſant wit, a candid "critic, a ſociable companion, a ſtedfaſt friend, "a grave philoſopher, a temperate œconomiſt, "and a pious Chriſtian." Should ſuch a man ever be forgotten?

John Barber, or Barbour, an eminent divine, hiſtorian, and poet, was born in the city of Aberdeen about A. D. 1330 [115]. Having received a learned education, he entered into holy orders, and was promoted by king David II. to the archdeaconry of Aberdeen, A. D. 1356. His love of learning was ſo ſtrong, that he continued to pro- John Barbour.

[113] Biographia, vol. 4. p. 1303. [114] Id. Ibid.
[115] Hume's Hiſt. Douglas, p. 30, 31. Nicolſon's Scots Hiſt. p. 145.

ſecute

ſecute his ſtudies after his promotion. With this view he prevailed upon his own ſovereign king David Bruce, with whom he was in great favour, to apply to Edward III. for permiſſion to ſtudy at Oxford; which was granted, in the following terms.—"Edward, &c.—Know ye, that we have "taken under our protection (at the requeſt of "David de Bruce) John Barber, archdeacon of "Aberdeen, with three ſcholars in his company, "in coming into our kingdom of England, in "order to ſtudy in the univerſity of Oxford, and "perform his ſcholaſtic exerciſes, and in remain-"ing there, and in returning into his own country "of Scotland; and we hereby grant him our "ſafe-conduct, which is to continue in force for "one year. Witneſs the king at Weſtminſter, "A. D. 1357, Auguſt 13 [116]." Our archdeacon was not only famous for his extenſive knowledge in the philoſophy and divinity of thoſe times, but ſtill more admired for his admirable genius for Engliſh poetry; in which he compoſed a hiſtory of the life and glorious actions of Robert Bruce king of Scotland, at the deſire of king David Bruce, his ſon, who granted him a conſiderable penſion for his encouragement, which he generouſly beſtowed on an hoſpital at Aberdeen [117]. While he was engaged in this work, he obtained permiſſion and ſafe-conduct from Edward III. A. D. 1365, to travel through England into France, with ſix horſemen his attendants [118]. He

[116] Rymer. Fœd. tom. 6. p. 32.
[117] Tanner, p. 73.
[118] Rymer, tom. 6. p. 478.

finiſhed

finiſhed his hiſtory of the heroic Robert Bruce A. D. 1373; a work not only remarkable for a copious circumſtantial detail of the exploits of that illuſtrious prince, and his brave companions in arms, Randolff earl of Moray, and the lord James Douglas, but alſo for the beauty of its ſtyle, which is not inferior to that of his contemporary Chaucer [119]. The time and circumſtances of our author's death are not known.

SECTION III.

Hiſtory of the chief Seminaries of Learning in Great Britain, from A. D. 1216 *to* A. D. 1399.

Schools eſtabliſhed in the former period continued.

ALL the different kinds of ſchools which were eſtabliſhed in Britain in the preceding period, continued to flouriſh in the preſent. In general, we are aſſured by the moſt learned man of the thirteenth century, Roger Bacon, that there never had been ſo great an appearance of learning, and ſo general an application to ſtudy, in ſo many different faculties, as in his time, when ſchools were erected in every city, town, burgh, and caſtle [1]. But all theſe cathedral, conventual, Jewiſh, and other illuſtrious ſchools, have been already deſcribed [2].

[119] Mackenzie's Lives, &c. v. 1. p. 296.
[1] Baconi Opus Majus, præfat.
[2] See vol. 6. chap. 4. ſect. 3. p. 155—169.

A very

Change in the univerſities.

A very great and advantageous change in the ſtate of the two univerſities of England took place in the preſent period, and merits our attention. In former times the teachers and ſcholars lodged and ſtudied in private houſes or halls, which they rented from the citizens. This was attended with many inconveniencies, and gave occaſion to frequent quarrels between the ſcholars and citizens, about the rents of houſes [3]. Various methods were employed to prevent theſe quarrels, which diſturbed the peace and even threatened the deſtruction of the univerſities. In particular, Henry III. A. D. 1231, appointed two reſpectable citizens, and two maſters of arts, to be choſen annually, and inveſted with authority to determine all diſputes between the citizens and ſcholars, about the rents of houſes [4]. But this, and all other methods for preſerving peace between the townſmen and ſcholars, while this occaſion of contention continued, proved ineffectual. At length, ſome generous perſons (determined to deliver the members of the univerſities from their too great dependence on the townſmen) purchaſed or built large houſes, and admitted both teachers and ſcholars to reſide in them, without paying any rent. Thoſe munificent friends of learning ſoon diſcovered, that ſome ingenious ſcholars admitted into their houſes were but ill provided with the means of rewarding their teachers, purchaſing

[3] A. Wood, l. 1. p. 84. 86. 92.
[4] Fuller's Hiſt. Cambridge, p. 10.

books,

books, and procuring other neceſſaries; which induced them and others to enlarge their charity, and to endow thoſe houſes with lands, tenements, and revenues, for the maintenance of a certain number of ſtudious men and youth. By theſe ſteps the building and endowing colleges became the prevailing taſte of the rich and generous in this period, as building and endowing monaſteries had been in ſome former periods. In conſequence of this prevailing taſte, ſeveral noble halls and colleges were erected and endowed, in both the univerſities of England, chiefly between the middle of the thirteenth, and the middle of the fourteenth century.

Colleges in Oxford.

In Oxford the following colleges were founded in this period, viz. Univerſity college, Baliol college, Merton college, Exeter college, Oriel college, Queen's college, and New college; of each of which it is proper to give a very brief account.

Univerſity hall.

If Univerſity hall or college was founded and endowed by Alfred the Great, that foundation was overturned, and thoſe endowments were diſſipated, long before the beginning of this period. William archdeacon of Durham, who bequeathed three hundred and ten marks to the univerſity, and died A. D. 1249, may be eſteemed the founder of the preſent college, as ſome tenements on which it was built, and with which it was endowed, were purchaſed with that money [s]. This

[s] A. Wood, lib. 2. p. 56.

ſociety,

ſociety, when it was firſt formed, about A. D. 1280, was very ſmall, conſiſting only of four maſters of arts; but it gradually encreaſed, both in numbers and revenues, by the ſucceſſive donations of many generous benefactors [6].

Baliol college.

John Baliol, father of that unfortunate prince John King of Scotland, formed and made ſome progreſs in the deſign of founding Baliol college, about A. D. 1268; and that deſign was perfected by his widow the lady Dervogilla, from whom her ſon John Baliol derived his title to the crown of Scotland [7].

Merton college.

Walter Merton biſhop of Rocheſter, founded a college for twenty ſcholars, and three prieſts, at Maldon in Surry, A. D. 1264, and about four years after he removed that ſociety to Oxford, where he had provided a place for their reception, which hath ever ſince that time been denominated Merton college [8].

Exeter college.

Walter Stapleton, biſhop of Exeter, began, about A. D. 1315, to execute a deſign which he had formed of founding a hall or college in Oxford; and in a few years, with the aſſiſtance of Peter de Skelton a clergyman, he accompliſhed that deſign [9]. The name of this foundation was at firſt Stapleton hall; but it was afterwards changed to Exeter college, by a bull of pope Innocent VII [10].

Oriel college.

Oriel college was founded by Edward II. and his almoner Adam de Brom, about A. D. 1324.

[6] A. Wood, lib. 2. p. 57, 58, 59. [7] Id. ibid. p. 69, 70.
[8] Id. ibid. p. 89. [9] Id. ibid. p. 93. [10] Id. ibid. p. 94.

It

It was at firſt called *the Hall of the Bleſſed Virgin of Oxford*, and derived its preſent name from a capital meſſuage beſtowed upon it by Edward II [11].

Queen's college.

Robert Eglesfield, who was deſcended of an ancient family in the county of Cumberland, and chaplain to queen Philippa, conſort of Edward III. founded Queen's college, A. D. 1340, chiefly for the benefit of his countrymen of the counties of Cumberland and Weſtmorland. He gave his college its name in honour of queen Philippa, who had very much encouraged and aſſiſted him in that expenſive undertaking [12].

New college.

The illuſtrious William of Wykeham biſhop of Wincheſter, ſoon after his advancement to that ſee, A. D. 1366, formed the deſign of founding two colleges, one at Wincheſter, in which young ſcholars might receive the firſt part of their education; and another at Oxford, into which they might be tranſplanted, and their education perfected. Having ſpent ſeveral years and conſiderable ſums of money in purchaſing certain tenements in Oxford, he laid the firſt ſtone of his college there for a maſter and ſeventy ſcholars, March 5, A. D. 1379, and finiſhed the fabric A. D. 1386. In his foundation-charter he gave it the name of *Seinte Marie College of Wynchеſtre in Oxenford*; but in common uſe it hath been conſtantly called *New College* [13]. Soon after he had finiſhed this great work, he built and endowed his college at Wincheſter.

[11] A. Wood, lib. 2. p. 103, 104.
[12] Id. ibid. p. 113.
[13] Id. ibid. p. 126—130.

Colleges in Cambridge.

In Cambridge the following halls and colleges were founded in this period, viz. Peter houſe, Michael college, Univerſity hall, King's hall, Clare hall, Pembroke hall, Corpus Chriſti college, Trinity hall, Gonvil hall.

Peter houſe.

Hugh Balſham ſub-prior and afterwards biſhop of Ely, purchaſed ſome tenements in Cambridge, about A. D. 1256, in order to found a college; and though he met with various difficulties, which retarded the full execution of that deſign, he ſtill continued to proſecute it; and at length, about A. D. 1282, the building was finiſhed for the reception, and endowed for the maintenance of one maſter, fourteen fellows, two bible-clerks, and eight poor ſcholars[14].

Michael college.

Hervey de Stanton canon of York and Wells, and chancellor of the exchequer to Edward II. founded and endowed a college about A. D. 1324, which he dedicated to St. Michael the archangel[15]. This college was taken into Trinity college, founded by Henry VIII.

Univerſity hall.

Univerſity hall or college was founded by Richard Badew, chancellor of the univerſity of Cambridge, A. D. 1326. But this college was hardly ever completed, and of ſhort duration[16].

King's hall.

King Edward II. for ſome years maintained thirty-two ſcholars at the univerſity of Cambridge, and deſigned to have founded a hall for their

14 Stow's Chronicle by Howes, p. 1057. Fuller's Hiſtory of Cambridge, p. 30. 15 Stow, p. 1057. Fuller, p. 36.
16 Stow, ibid. Fuller, p. 37.

reſidence.

reſidence. This deſign was executed by his ſon Edward III. who built a very magnificent hall, and endowed it with lands ſufficient for the ſupport of a maſter and thirty-three ſcholars [17]. This hall was united to Trinity college by Henry VIII.

Univerſity hall having been burnt down, and its founder Richard Badew unable to rebuild it, Elizabeth de Clare counteſs of Ulſter, one of the ſiſters and coheireſſes of Gilbert de Clare earl of Glouceſter, raiſed it from its ruins about A. D. 1347, added greatly to its revenues, and gave it the name of *Clare hall*, in honour of her family [18]. Clare hall.

Pembroke hall was founded in the ſame year with Clare hall, by a great but unfortunate lady, Mary de St. Paul, daughter of Guido earl of St. Paul, in France, married to Aymer de Valence earl of Pembroke, who was killed in a tournament ſoon after his marriage, or, according to ſome, on his wedding-day, June 23, A. D. 1323. His afflicted widow ſurvived him forty-two years, ſpending the greateſt part of her large revenues in pious and charitable works. Among others of that kind, ſhe founded a hall in Cambridge for a maſter and thirty ſcholars, which ſhe called by her huſband's name and her own, *the hall of Valence and Mary*; but its moſt common appellation hath been *Pembroke hall* [19]. Pembroke hall.

17 Stow, p. 1057. Fuller, p. 39.
18 Stow, p. 1058. Fuller, p. 37.
19 Stow, ibid. Fuller, p. 42. Dugdale's Peerage, vol. 1. p. 777.

Bennet college.

The united guilds of Corpus Chriſti and St. Mary, in Cambridge, aſſiſted by the patronage of Henry duke of Lancaſter, founded a college, about the ſame time, which they called *the college of Corpus Chriſti and St. Mary*; but its moſt common name hath always been *Bennet college*, from St. Bennet's church [20].

Trinity hall.

William Bateman biſhop of Norwich founded Trinity hall, in Cambridge, about A. D. 1350, for one maſter, two fellows, and three ſcholars, who were all to be ſtudents of the civil and canon law [21].

Gonvil hall.

About the ſame time Edmond Gonvil, parſon of Terrington and Ruſhworth, in Norfolk, founded a college in Cambridge, for a maſter and twenty ſcholars, which he called *Gonvil hall*, and by his laſt will left a conſiderable ſum of money to William Bateman biſhop of Norwich, together with directions for perfecting that foundation, which he performed [22].

Almoſt all the above halls and colleges in both univerſities were comparatively ſmall at firſt; but by ſubſequent benefactions they have become the moſt magnificent and opulent ſeats of learning in Europe.

Great number of ſtudents.

The number of ſcholars in the two univerſities of England in this period was very great. The famous Richard Fitz-Ralph, archbiſhop of Armaugh, in an oration againſt the mendicant friars,

[20] Stow, p. 1058. Fuller, p. 44. [21] Id. p. 47.
[22] Stow, p. 1058. Fuller, p. 50.

which

which he pronounced before the pope and cardinals, A. D. 1357, made the following declaration:— "Even in my time, there were thirty thouſand "ſtudents in the univerſity of Oxford, and at pre- "ſent there are hardly ſix thouſand: which prodi- "gious diminution is chiefly owing to the mendi- "cant friars, who entice and delude ſo many of "the young ſcholars to enter into their order, that "parents are afraid to ſend their children to the "univerſity[23]." We ſhall be more diſpoſed to believe the above declaration, when we conſider, that beſides all the above colleges that had been lately founded, there were at that time between two and three hundred private halls in Oxford, in which ſcholars reſided, and almoſt an equal number of ſchools, in which they ſtudied and attended lectures; and when we reflect alſo, that this univerſity was frequented by great multitudes of ſcholars from Scotland, Ireland, and the continent, as well as by the youth of England and Wales[24].

Univerſities of Northampton and Stamford.

The two univerſities of England in this period were frequently diſturbed, and ſometimes almoſt ruined, by violent quarrels among the ſcholars, or between them and the townſmen. In the quarrels among the ſcholars, the ſouthern Engliſh, Welſh, and Iriſh, commonly formed one party, againſt the northern Engliſh and Scots[25]. Many of the members of both univerſities, being deſirous of avoiding

[23] Bulæi Hiſt. Univerſ. Pariſ. tom. 4. p. 339. A. Wood, lib. 1. p. 77.
[24] A. Wood, paſſim.
[25] A. Wood, lib. 1. p. 123, &c. Fuller, p. 12.

theſe quarrels, retired to Northampton, A. D. 1260; and, with the permiſſion of Henry III. began to form a new univerſity. But the people of Oxford and Cambridge found means to prevail upon that prince to diſſolve this new univerſity, and to command the members of it to return to the places of their former reſidence, A. D. 1265 [26]. About thirty years after, the univerſity of Stamford began, and terminated in the ſame manner [27].

Third univerſity of England.

So many ſchools were founded, and ſo many ſciences taught, in London and its environs, in this period, that it was (not very improperly) called a third univerſity [28]. Edward III. built a college at Weſtminſter, for the ſtudy of divinity, which was called *St. Stephen's college*, and was diſſolved by Henry VIII. A. D. 1530 [29]. Archbiſhop Bradwardine founded a theological lecture in St. Paul's church, in London, A. D. 1344; and the famous John of Gaunt duke of Lancaſter built and endowed a college for divines in St. Paul's church-yard [30]. But as it would be tedious to enumerate all the ſchools that were erected in London and its environs in this period, it may be ſufficient to refer ſuch readers as deſire more particular information to the work quoted below [31].

[26] Fuller, p. 13, 14. A. Wood, lib. 1. p 110. 113.

[27] Id. ibid. p. 156. 159.

[28] See Sir George Buc's third Univerſity of England, at the end of Stow's Chronicle p. 1063. [29] Id. p. 1066. [30] Id. ibid.

[31] Sir George Buc's Diſcourſe of the third Univerſity of England.

Soon

Law univerſity.

Soon after the chief courts of juſtice were firmly fixed at Weſtminſter, in conformity to an article in the Great Charter, a famous ſchool or univerſity for the ſtudy of the law was gradually eſtabliſhed in the neighbourhood of that place, conſiſting of ſeveral colleges, commonly called *Inns of Court*, and *of Chancery*. Theſe inns or colleges were at firſt few and inconſiderable; but before the end of our preſent period, they were become numerous and flouriſhing. This appears from the following very diſtinct deſcription of them by ſir John Forteſcue, who was a ſtudent in one of theſe inns of court about A. D. 1416: "The laws are ſtudied "in a public manner and place.—It is ſituated "near the king's palace at Weſtminſter, where "the courts of law are held, and in which law-"proceedings are pleaded and argued. Here, in "term-time, the ſtudents of the law attend in "great numbers, as it were to public ſchools, and "are there inſtructed in all ſorts of law-learning "and in the practice of the courts. The ſituation "of the place where they reſide and ſtudy is be-"tween Weſtminſter and the city of London.— "There belong to it ten leſſer inns, and ſome-"times more, which are called the *Inns of Chan-"cery*; in each of which there are an hundred "ſtudents at leaſt, and in ſome of them a far "greater number, though not conſtantly reſiding. "The ſtudents are for the moſt part young men. "Here they ſtudy the nature of original and "judicial writs, which are the very firſt prin-"ciples of the law. After they have made ſome

"progreſs here, and are more advanced in years, "they are admitted into the inns of court properly "ſo called. Of theſe there are four in number. "In that which is leaſt frequented, there are "about two hundred ſtudents.—There is both in "the inns of court, and the inns of chancery, a "ſort of an academy or gymnaſium, where the "ſtudents learn ſinging and all kinds of muſic, "dancing, and ſuch other accompliſhments and "diverſions as are ſuitable to perſons of their quality, "and are uſually practiſed at court. At other "times out of term, the greater part apply them-"ſelves to the ſtudy of the law. Upon feſtival "days, and after the offices of the church are "over, they employ themſelves in the ſtudy of "ſacred and profane hiſtory.—I need not be par-"ticular in deſcribing the manner and method "how the laws are ſtudied in thoſe places. But I "may ſay in general, that it is pleaſant, and ex-"cellently well adapted for proficiency[32]." It is hardly neceſſary to obſerve, that the eſtabliſhment of this law-univerſity was one very happy conſequence of fixing the chief courts of juſtice at one certain place, and contributed not a little to inſpire the young nobility and gentry of England (who generally received ſome part of their education at the inns of court) with a taſte for learning.

[32] Sir John Forteſcue, De Laudibus Legum Angliæ, chap. 48, 49.

THE HISTORY OF GREAT BRITAIN.

BOOK IV.

CHAP. V.

History of the Arts in Great Britain, from the death of king John, A. D. 1216, *to the acceſſion of Henry* IV. A. D. 1399.

SECTION I.

History of the neceſſary Arts in Great Britain, from A. D. 1216, *to* A. D. 1399.

New inventions, or great improvements in the neceſſary arts.

THE moſt common and capital operations in agriculture, architecture, and other neceſſary arts, are performed in the ſame manner, or nearly in the ſame manner, through many ſucceeding ages, in every country into which they have been introduced. It is not neceſſary therefore, in a

work of this nature, to give a deſcription of theſe permanent operations in every period, which would occaſion many tedious and diſguſting repetitions. For this reaſon it is thought ſufficient to give an account only of ſuch new inventions, or conſiderable alterations in the ſeveral arts in each period, as made their firſt appearance, and became conſpicuous in that period.

No great improvements in agriculture.

It is not to be imagined that very many and great improvements were made in agriculture in the period we are now examining, as the circumſtances of the country, and manners of its inhabitants, were unfavourable to ſuch improvements. The country was almoſt conſtantly involved in war, which diverted the attention of the people, and particularly of the nobility, from the improvement of their lands by agriculture. A taſte for this art was even eſteemed diſhonourable in a perſon of high rank; and Edward II. was bitterly reproached, as well as much deſpiſed, for his fondneſs for agriculture, and neglect of military exerciſes [1]. The great barons and prelates, who were the chief proprietors of the ſoil, kept prodigious quantities of land in their own immediate poſſeſſion, which they cultivated partly by their ſlaves or villains, and partly by their tenants, who were obliged to neglect their own farms, and labour for their lords, whenever they were called [2]. Now as theſe ſlaves and tenants had little or no

[1] Monachi Malmſ. Vita Ed. II. edit a T. Hear. A. D. 1729. p. 136.

[2] Kennet's Parochial Antiquities. p. 495, &c.

intereſt

intereſt in the ſucceſs of their labours, it is not to be ſuppoſed that they were very anxious about performing them in the beſt manner. We may form an idea of the quantity of land which ſome great prelates kept in their own poſſeſſion by the following account of the ſtock upon the lands of the biſhoprick of Wincheſter, delivered to biſhop Wykeham, A. D. 1367, by the executors of his predeceſſor,—viz. 127 draught-horſes, 1556 head of black cattle, 3876 wethers, 4777 ewes, 3541 lambs, beſides the ſum of 1662 l. 10 s. equivalent to 20,000 l. of our money at preſent, which they paid for the deficiency of that ſtock [3].

Deſtructive famines.

The frequent and very deſtructive famines which prevailed in Britain in this period have been conſidered as preſumptive proofs of the imperfect ſtate of agriculture. Of theſe I ſhall mention only two, which ſeem to have been the moſt ſevere. There was ſo great a famine A. D. 1258, that no fewer than fifteen thouſand perſons (as we are told by a writer who lived at St. Alban's at that time) died in London of hunger, beſides many thouſands who periſhed for want of food in other places [4]. But that famine which began A. D. 1314, and continued to rage for three years both in England and Scotland, muſt have been ſtill more deſtructive: for in the courſe of that dearth a quarter of wheat, it is ſaid, was ſold for forty ſhillings, equivalent to thirty pounds of our money at preſent;

[3] Biograph. Britan. 1ſt edit. Sup. p. 207.
[4] M. Paris, Hiſt. Angl. ann. 1258. p. 653.

through

though in the former famine, A. D. 1258, it had never exceeded ſixteen ſhillings [5]. On this occaſion the parliament of England interpoſed, and fixed the price of proviſions of all kinds by law: but it was ſoon found that this law prevented the bringing proviſions to market, and it was therefore repealed. The king, in a proclamation which he publiſhed at this time, prohibiting the making of malt, and brewing of ale, ſays,—"that "if this was not prevented immediately, not only "the poor, but people of the middle rank, would "inevitably periſh, for want of food [6]." In a word, we learn, from the concurring teſtimony of ſeveral hiſtorians who lived in thoſe times, or ſoon after, that prodigious multitudes of people died of hunger, or of diſeaſes contracted by the uſe of unwholeſome food; and that many were tempted to perpetrate acts of the moſt unnatural cruelty, to prolong their wretched lives [7]. It may however be obſerved, that the hiſtorians who give an account of thoſe deplorable famines, aſcribe them to unfavourable ſeaſons, and not to bad huſbandry; and it is alſo true, that there may be ſuch ſeaſons as will baffle all the efforts of the moſt induſtrious and ſkilful huſbandmen [8]. It muſt likewiſe be acknowledged, that at ſome times in this period grain of all kinds was very plentiful, and

5 Tyrel, vol. 4. p. 263. from Rol. Par. 8th Ed. II. Parliament. Hiſt. vol. 1. p. 151.

6 Johannes de Trokelowe, Annal. Ed. II. p. 37, &c.

7 Id. ibid. Monach. Malmſ. p. 166. T. Walſingham, p. 108.

8 M. Paris, p. 653.

ſold

ſold at a very low rate. A quarter of wheat, A. D. 1288, was ſold in ſome parts of England for twenty pence, in others for ſixteen pence, and in others for a ſhilling [9].

Though I have not been able to diſcover that any new operations of great importance in agriculture were introduced in this period, it plainly appears, that all thoſe which had been before in uſe,—as incloſing, fallowing, manuring, &c. were now performed more univerſally, and with greater dexterity, than in former times. Incloſing was carried on ſo briſkly, that the lands of England were in general incloſed with ditches and hedges, with trees planted in the hedge-rows, before the end of this period. "The feeding lands (ſays ſir "John Forteſcue) are likewiſe incloſed with hedge-"rows and ditches, planted with trees, which "protect the flocks and herds from bleak winds, "and ſultry heats [10]." Summer-fallowing of fields for wheat was practiſed as much, if not more, in England, in the thirteenth century, than it is at preſent. It was then a kind of rule among farmers to have one third of their arable lands in fallow [11]. In the law-book called *Fleta*, which was compoſed in the reign of Edward I. very particular directions are given as to the moſt proper times and beſt manner of ploughing and dreſſing fallows [12]. The farmer is there directed to plough no deeper

Operations in agriculture performed better than in former periods.

9 T. Walſing. Ypodigma Neuſtriæ, p. 476.
10 Forteſcue, De Laudibus Legum Angliæ, chap. 29.
11 Fleta, lib. 2. chap. 72. p. 159.
12 Id. ibid. chap. 73. p. 163.

in

in ſummer than is neceſſary for deſtroying the weeds; not to lay on his manure till a little before the laſt ploughing, which is to be with a deep and narrow furrow. Rules are alſo given,—for the changing and chuſing ſeed;—for proportioning the quantity of different kinds of ſeed to be ſown on an acre, according to the nature of the ſoil, and the degree of richneſs;—for collecting and compounding manures, and accommodating them to the grounds on which they are to be laid;—for the beſt ſeaſons for ſowing ſeeds of different kinds on all the variety of ſoils;—and in a word, for performing every operation in huſbandry, at the beſt time, and in the beſt manner[13]. In the ſame work, the duties and buſineſs of the ſteward, bailiff, and overſeer, of a manor, and of all the other perſons concerned in the cultivation of it, are explained at full length, and with ſo much good ſenſe, that if they were well performed, the manor could not be ill cultivated[14].

Gardening. Gardening, one of the moſt pleaſant parts of agriculture, was not neglected in this period. Almoſt every great caſtle, and larger monaſtery, had, beſides a kitchen-garden, a herbary or phyſic-garden, a *pomarium* or orchard: and ſome of them had alſo vineyards. The monks of Dunſtaple were at much expence, A. D. 1294, in repairing the walls about the garden, and alſo the walls about the herbary of their priory; and the herbary mentioned in Chaucer's Nonne's prieſt's tale, appears

[13] Fleta, lib. 2. ch. 72, 73. 76. [14] Ibid. ch. 72.—88.

to

to have been well ſtored with medicinal herbs, ſhrubs, &c. [15]. The orchards of the great barons and prelates, as well as of the richer convents, contained a variety of fruit-trees which are commonly believed to have been brought into Britain at a much later time. The hiſtorians of this period commonly conclude the annals of every year, with an account of the ſeaſons, and of the abundance or ſcarcity of corns, fruits, and herbage. Matthew Paris, in the concluſion of his hiſtory, of A. D. 1257, obſerves that the ſeaſons had been very unfavourable, which had produced a famine, of which many of the common people died.—"That apples were ſcarce, pears ſtill ſcarcer; "but that cherries, plums, figs, and all kinds of "fruits included in ſhells, were almoſt quite de-"ſtroyed [16]."

Vine-yards.

The hiſtorians of this period ſometimes mention vine-dreſſers and vineyards. The prior of Dunſtaple paid into the exchequer, a ſum of money for an amercement which had been incurred by Stephen and Peter his vine-dreſſers, A. D. 1220 [17]. Ralph abbot of St. Auguſtine's, Canterbury, cauſed vines to be planted in a field at Nordhome, A. D. 1320, which (as we are told by the hiſtorian of that monaſtery, who had often ſeen them) did him great honour, and proved very

[15] Annal. de Dunſtaple, ad an. 1294. Chaucer's Works, edit. Urry, p. 170. Walpole's Anecdotes of Painting, vol. 1. p. 17.

[16] M. Paris, ad an. 1257. p. 645.

[17] Annal de Dunſtaple, ad an. 1220. p. 94.

profitable

profitable to the ſociety [18]. It is hardly credible, that theſe hiſtorians could be guilty of ſo groſs an abuſe of words, as to call a common gardener *vinitor*, and a common orchard of apple-trees *vinea*. An act of parliament that was made A. D. 1423, for regulating the capacity or meaſure of tuns, pipes, tertians, and hogſheads of wine, was framed to comprehend thoſe for wines made at home, as well as for wines imported. "It is ordained and ſtabliſhed, that no man, after "the end of twelve months from the feaſt of "Eaſter next coming, ſhall bring into the realm "of England, from what country ſoever it be, "nor make within the ſame realm, a tun of "wine, except it contain of the Engliſh meaſure "two hundred and fifty-two gallons, &c. upon "pain of forfeiture of the ſame wine [19]." This ſeems to indicate, that the wines made in England were conſiderable for their quantity, and that they were of the ſame kind with foreign wines, though probably of an inferior quality.

Treatiſes on agriculture written in Latin.

It is a curious circumſtance, that not only treatiſes compoſed at this time for the inſtruction of farmers, and their ſervants, down to the ſwine-herd, were written in Latin; but even the accounts of the expences and profits of farms and dairies were kept in that language [20]. The Latin of theſe accounts, it muſt be confeſſed, was not

18 Chron. W. Thorn, apud X. Script. col. 2036.
19 Ruffhead's Statutes at Large, vol. 1. p. 527.
20 Fleta, lib. 2. chap. 72—88. Kennet's Parochial Antiquities, p. 548, 570.

perfectly

perfectly claſſical; as will appear from the following ſhort ſpecimen:—"Et pro uno *ſeedcod* "empto iii d.—Et pro uno *cartſadel* uno colero "cum uno pari tractuum emptis xiv d.—Et pro "factura de *drawgere* iii d.—Et pro uno donge-"cart empto xiv d.—Et pro ſarratione et do-"latione unius *cartbody* vi d [21]."

Architecture nearly the ſame as in the preceding period.

As the ſacred, civil, and military architecture of this period was nearly in the ſame ſtyle with that which was introduced towards the end of the preceding period, and which hath been already deſcribed, it will not be neceſſary to dwell long on that ſubject, in this place [22].

Sacred architecture.

Building churches and monaſteries being ſtill believed to be one of the moſt effectual means of obtaining the pardon of ſin and the favour of heaven, prodigious numbers of both were built in Britain, in the thirteenth and fourteenth centuries. In the reign of Henry III. alone, no fewer than one hundred and fifty-ſeven abbies, priories, and other religious houſes, were founded in England [23]. Many of the cathedral and conventual churches were very large, lofty, and magnificent fabrics; which were raiſed at a very great expence of labour, time, and money. Of this a careful inſpection of the cathedrals of York, Saliſbury, Litchfield, Worceſter, Glouceſter, Ely, Wincheſter, and ſeveral others, which were built in

[21] Kennet's Parochial Antiquities, p. 549, &c.
[22] See vol. 6. p. 180—191.
[23] Groſe's Antiquities, vol. 1. preface, p. 32.

this

this period, will afford the moſt ſatisfactory proof; and at the ſame time will give the cleareſt ideas of the ſtyle of ſacred architecture which then prevailed. This ſtyle was what is commonly called the lighter Gothic, with ſome variations. In the thirteenth century, the faſhionable pillars in churches were of Purbic marble, very ſlender and round, encompaſſed with marble ſhafts a little detached, having each a capital adorned with foliage, which joining, formed one elegant capital for the whole pillar. The windows were long and narrow, with pointed arches and painted glaſs, which was introduced about that time, or at leaſt became more common. In this century alſo they began to delight in lofty ſteeples, with ſpires and pinnacles. In the fourteenth century, the pillars conſiſted of an aſſemblage of ſhafts not detached, but united, forming one ſolid and elegant column: the windows, eſpecially thoſe in the eaſt and weſt ends, were greatly enlarged, divided into ſeveral lights, by ſtone-mullions, running into ramifications above and forming numerous compartments in various fanciful ſhapes. Thoſe windows, filled with ſtained glaſs of the moſt lively colours, repreſenting kings, ſaints, and martyrs, and their hiſtories, made a moſt ſolemn and glorious appearance. There were ſeveral other variations, eſpecially in the taſte of the carvings and other ornaments, which are too minute for general hiſtory [24].

[24] See Preface to Groſe's Antiquities, Bentham's Hiſtory of Ely, Wren's Parentalia.

Society of Free-maſons.

The opulence of the clergy, and zeal of the laity, furniſhed ample funds for building ſo great a number of magnificent churches, monaſteries, and religious houſes, that it was with great difficulty workmen could be procured to execute thoſe pious works. The popes, for very obvious reaſons, favoured the erection and endowment of churches and convents; and granted many indulgences, by their bulls, to the ſociety of maſons, in order to increaſe their numbers. Theſe indulgences produced their full effect in thoſe ſuperſtitious times; and that ſociety became very numerous, and raiſed a prodigious multitude of magnificent churches about this time in ſeveral countries: "For (as we "are told by one who was well acquainted with "their hiſtory and conſtitution) the Italians, with "ſome Greek refugees, and with them French, "Germans, and Flemings, joined into a frater- "nity of architects, procuring papal bulls for their "encouragement, and particular privileges; they "ſtyled themſelves Free-maſons, and ranged "from one nation to another, as they found "churches to be built (for very many in thoſe "ages were every where in building, through "piety or emulation): their government was "regular; and where they fixed near the building, "in hand, they made a camp of huts. A ſur- "veyor governed in chief; every tenth man was "called a warden, and overlooked each nine. The "gentlemen in the neighbourhood, either out of "charity or commutation of penance, gave the "materials and carriages. Thoſe who have ſeen

" the accounts in records of the charge of the " fabrics of ſome of our cathedrals, near four " hundred years old, cannot but have a great " eſteem for their economy, and admire how " ſoon they erected ſuch lofty ſtructures [25]."

Conſtruction of caſtles.

The great barons and prelates of Britain ſtill continued to reſide in caſtles, which ſerved them at once for dwelling and defence. The general plan of theſe caſtles hath been already deſcribed; and that plan was for the moſt part followed in the preſent period [26]. The chief towers, commonly called *the keeps*, of ſeveral of theſe caſtles, have lately been examined with great attention; from whence it appears, that they were contrived with wonderful art to anſwer the following purpoſes, which they had in view in their conſtruction: 1. To render the entrance or gate at once magnificent and impregnable.—2. To ſecure the garriſon, and to enable them to annoy the beſiegers.—3. To delude the beſiegers to attack the ſtrongeſt parts, by giving them an appearance of weakneſs.—4. To put their priſoners, proviſions, and implements of war, out of the reach of danger.—5. To convey the engines of war to any place of the caſtle with eaſe and expedition.—6. To communicate intelligence in a moment to any part of the building.—7. To ſupply the garriſon with water.—8. To convey away the ſmoke and filth.—9. To provide a commodious and ſafe habitation for the lord of the caſtle and his family. For the

[25] Wren's Parentalia, p. 306, 307. [26] See vol. 6. p. 189.

various

various contrivances to anſwer theſe purpoſes, the reader muſt be referred to the work quoted below [27]; only, as a ſpecimen, I ſhall mention the contrivance they employed to ſecure a conſtant ſupply of water to every apartment. The tower was divided within into two equal parts, by a thick partition-wall of maſonry, from the bottom to the top. The well for ſupplying the garriſon with water was under the foundation of this partition-wall; and the pipe of it was carried up in the middle of the wall to the leads of the caſtle, where the pully for drawing the water was fixed. The people on each floor had acceſs to the pipe of the well, for furniſhing themſelves with water, by a ſmall arched opening in the partition-wall. From the ground-floor to the water, little ſquare cavities were cut in the ſides of the pipe, at proper diſtances, by which a perſon might deſcend to cleanſe the well. It ſeems to be impoſſible to invent a more effectual method than this to prevent the garriſon from being deprived of the neceſſary article of water; and it may be truly ſaid, that the contrivances to anſwer their other purpoſes were no leſs artful and ingenious [28]. It muſt, however, be confeſſed, that the great barons and prelates of this period ſacrificed their conveniency to their ſecurity; which ſeems to have been their chief concern in the conſtruction of their caſtles; the apartments of which were commonly gloomy, the

[27] Mr. King's Obſervations on ancient Caſtles. [28] Ibid.

bed-chambers few and ſmall, the paſſages narrow and intricate, and the ſtairs ſteep and dark.

Metallic arts.

The arts of refining and working metals are ſo uſeful in themſelves, and ſo neceſſary to the practice of other arts, that they merit ſome attention in every period. The keen purſuit of the philoſopher's ſtone, in which many ingenious men were at this time engaged, contributed not a little to make them better acquainted with the nature and compoſition of metals, and with the arts of compounding, melting, and refining them. With the arts of tempering and poliſhing ſteel, and thereof fabricating defenſive armour and offenſive arms, they were well acquainted. Of copper they not only made many uſeful utenſils, but even ſtatues. The ſum of four hundred pounds was paid, A. D. 1395, to Nicolas Broker and Godfrey Preſt, citizens of London, and copperſmiths, for two ſtatues, one of the king, and another of the queen, made of copper, and gilt, with crowns on their heads, their right hands joined, and holding ſceptres, in their left hands [49]. Statues of braſs were ſtill more common in churches, and on monuments [50]. The goldſmiths and jewellers were very numerous, and ſome of them excelled in their profeſſion. The goldſmiths of London repreſented to Edward III. A. D. 1341, that many of their workmen had loſt their ſight by the heat of fire and the fumes of quickſilver; and that ſeveral others had become paraly-

[49] Madox Firma Burgi, p. 33, note (o).

[50] Walpole's Anecdotes of Painting, vol. 1. p. 20.

tic,

tic, infirm, and weak, by performing other parts of their work; and upon this repreſentation, and their petition, that prince granted them leave to found and endow an hoſpital for the reception of thoſe who had loſt their ſight, or their health, in their ſervice [31]. This ſeems to indicate, that workmen of that kind, at that time, in London, were very numerous. That ſome of them excelled in their profeſſion, appears from the teſtimony of contemporary writers, and records, and from their deſcriptions of many beautiful pieces of gold and ſilver plate. Alan de Walſingham, a monk of Ely, in the thirteenth century, and ſeveral others, are celebrated for their ſuperior ſkill in the goldſmith's art; and it is impoſſible to peruſe the deſcription of the gold and ſilver plate and jewels taken from Piers Gavaſton, the unfortunate favourite of Edward II. by the earls of Lancaſter and Warwick, without admiring both the quantity and workmanſhip [32]. Some pieces of the ſilver plate in that collection are ſaid to have been worth four times the quantity of ſilver which they contained [33]. At the triumphant entry of Richard II. and his good queen Anne, into London, A. D. 1392, the citizens, beſides many other gifts, preſented a crown of gold to the king, and another to the queen, both of great value, at the Fountain in Cheapſide; and when the proceſſion had advanced

[31] Rym. Fœd. tom. 5. p. 246.

[32] T. Walſing. Hiſt. Ang. p. 104. Rym. tom. 3. p. 188. Walpole's Anecdotes of Painting, vol. 1. ch. 1. &c. [33] Id. ibid.

a little further, they preſented a table of gold, with a repreſentation of the Trinity upon it, worth eight hundred pounds, equivalent to eight or ten thouſand pounds of our money, to the king; and another table of gold, with a figure of St. Anne upon it, of equal value, to the queen [24]. There is the fulleſt evidence, that England was very rich in gold and ſilver plate in this period: for beſides the immenſe maſſes of thoſe precious metals in the cathedral, conventual, and other churches, made into images, altar-tables, veſſels and utenſils of various kinds, ſome of the nobles had greater quantities of plate than we could imagine. When the palace of the Savoy, belonging to John of Gaunt duke of Lancaſter, was burnt, with all its rich furniture, in the great inſurrection A. D. 1381, the keeper of the duke's wardrobe declared, upon oath, That the ſilver, ſilver-gilt, and gold plate, in that palace, would have loaded five carts [25]. The arts of gilding works made of other metals with gold, and of emboſſing and enchaſing gold and ſilver plate, were well known in this period. Gilt plate and gilt ſtatues are frequently mentioned by our ancient hiſtorians: and we may be certain, that the figures repreſenting the Trinity and St. Anne upon the two tables of gold, preſented by the citizens of London to Richard II. and his queen, were emboſſed or enchaſed [26]. Nor was

24 Knyghton, apud X Script. col. 2740. 25 Id. ibid. col. 2634.
26 Madox Firma Burgi, p. 33. note (o). Anglia Sacra, tom. 1. p. 414. Knyghton, col. 2740.

the

the ſtill more delicate art of enamelling plate and jewels unknown in the times we are now conſidering. It appears, from the deſcriptive catalogue publiſhed by Mr. Rymer, that beſides jewels there were ſeveral pieces of enamelled plate in the collection of Piers Gavaſton [37].

The arts of cutting and ſetting precious ſtones in crowns, rings, and other ornaments, though they are rather ornamental than neceſſary, may not improperly be introduced in this place, as they are ſo nearly connected with the metallic arts. They were far from being unknown in Britain in this period: for it is not credible that all the jewels (which appear to have been very numerous and valuable) in the poſſeſſion of our kings, nobles, and prelates, at this time, were of foreign workmanſhip. Though Henry III. was one of the moſt indigent princes that ever filled the throne of England, he had many curious and valuable jewels, which he was ſometimes obliged to pawn. Among the jewels which he gave in pawn to the king of France, A. D. 1261, for five thouſand marks, and relieved, A. D. 1272, there were no fewer than 324 gold rings, ſet with precious ſtones of various kinds [38]. Lapidaries art.

It is not known to whom we are indebted for the invention of the ingenious and uſeful art of making clocks of metal for meaſuring time and ſtriking the hours. The firſt clock we hear of in Britain was placed in the old clock-tower oppoſite to the Art of making clocks.

[37] Rym. Fœd. tom. 3. p. 188, &c. [38] Id. tom. 1. p. 730. 758.

gate of Weſtminſter-hall, and is ſaid to have been purchaſed with part of a fine of 800 marks impoſed upon Randolff de Hengham, chief juſtice of the king's-bench, A. D. 1288 [39]. Soon after this (A. D. 1292) another clock, which coſt 30l. equivalent to 400l. of our money at preſent, was ſet up in the cathedral of Canterbury [40]. Theſe moſt ancient clocks were probably imported, or made by a foreign artiſt. For about ſeventy years after this, Edward III. invited three foreign clock-makers, viz. John Uninam, William Uninam, and John Lutuyt of Delft, to come into England, and granted them his royal protection to exerciſe their trade of clock-making in any part of his kingdom, without moleſtation [41]. The deſign of this protection certainly was, to increaſe the number of theſe artiſts in his dominions, that their works might be more eaſily obtained. By theſe means, clocks were not uncommon in England, eſpecially in cathedral and conventual churches, before the end of the fourteenth century. Chaucer compares the crowing of a cock to a church-organ for ſweetneſs, and to a church-clock for exactneſs as to time:

His voice was merier than the merie orgon,
On maſſe dayis that in the churches gon,
Wel ſikerer was his crowing in his loge,
Than is a clock, or abbaye horologe [42].

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39 Selden, Præf. to Hengham. Coke's 3d Inſt. p. 72. 4th Inſt. p. 255. 40 Dart's Canterbury, Append. p. 3.
41 Rym. Fœd. tom. 6. p. 590. 42 Chaucer's Works, p. 169.

Cocks

Clocks were not only numerous, but the art of making them was brought to a conſiderable degree of perfection in England, before the end of this period. This appears from the following deſcription of an aſtronomical clock made by Richard de Wallingford, abbot of St. Alban's in the reign of Richard II. Leland, who ſeems to have ſeen and examined this famous clock, having told us that Richard de Wallingford was the greateſt mathematician, aſtronomer, and mechanic of his age, proceeds in this manner: "After he was choſen "abbot, his ardent love of learning, and intenſe "application to ſtudy, did not in the leaſt abate. "On the contrary, being now poſſeſſed of wealth "and leiſure, he reſolved to leave a laſting monu- "ment of his ingenuity, art, and learning. With "this view, he fabricated, at a great expence of "money, thought, and labour, a moſt wonder- "ful clock, which repreſents the revolutions of "the ſun and moon,—the fixed ſtars,—the ebbing "and flowing of the ſea,—beſides an almoſt in- "finite number of other lines and figures. When "he had finiſhed this aſtoniſhing piece of me- "chaniſm, to which, in my opinion, there is no- "thing in Europe comparable, he compoſed a "book of directions for managing and keeping it "in order, that it might not be ruined by the ig- "norance of the monks [a]."

Watches were alſo made, or at leaſt uſed, in Britain, not long after the beginning of the four- Watch-making.

[a] Leland de Scriptoribus Britannicis, tom. 2. p. 404.

teenth century. A watch of that date was lately found by ſome labourers at Bruce-caſtle in Fifeſhire, and is now in the poſſeſſion of his preſent majeſty, the illuſtrious deſcendant of its original proprietor, the heroic Robert Bruce, king of Scotland, from A. D. 1306 to A. D. 1329. This very curious piece of antiquity is thus deſcribed by a learned and honourable gentleman, who examined it with attention: "The outer caſe "is of ſilver, raiſed, in rather a handſome pattern, "over a ground of blue enamel; and I think I can "diſtinguiſh a cypher of R. B. at each corner of "the enchaſed work. On the dial-plate is written "*Robertus B. Rex Scottorum*, and over it is a con-"vex tranſparent horn, inſtead of the glaſſes which "we uſe at preſent.—This very ſingular watch is "not of a larger ſize than thoſe which are now in "common uſe [44]."

Cloth manufacture.

The people of Flanders and the Netherlands had long been the chief manufacturers of woollen cloth in Europe, and had thereby acquired immenſe wealth, which naturally excited the envy and emulation of other nations [45]. The Engliſh in particular having great quantities of the moſt excellent wool, by degrees became ſenſible of the great advantages with which the manufacturing of it at home would be attended; and from time to time encouraged that manufactory [46]. But that great

[44] Archæologia, vol. 5. p. 419, 420.
[45] Gervas, apud X Script. col. 1349.
[46] See vol. 6. chap. 5. p. 195.

and

and wiſe prince Edward III. made the moſt vigorous and ſucceſsful efforts to that purpoſe. In the fifth year of his reign, A. D. 1331, John Kempe, a famous woollen-manufacturer of Flanders, came into England with his workmen and apprentices, and was moſt graciouſly received by Edward; who took him under his immediate protection, and publiſhed a proclamation, promiſing the like protection and favour to all foreign weavers and fullers who would come and ſettle in England [47]. In conſequence of that invitation, no fewer than ſeventy families of Walloons came and ſettled in England the ſame year; and theſe were followed by many others in the ſucceeding years of that reign [48].

Laws for the encouragement of the manufacturing woollen cloth.

The parliament of England ſeconded the prudent and patriotic views of that prince, by making ſeveral ſtatutes for the encouragement of the woollen manufactory, A. D. 1337. By one of theſe ſtatutes, the exportation of wool, either by foreigners or denizens, is made felony, until the king and his council ſhall order it otherwiſe; by another it is enacted, that no foreign cloths ſhall be imported into the king's dominions, under the penalty of the forfeiture of the cloths, and the importer to be puniſhed at the king's will; by a third, none were to wear any foreign cloths except the royal family; and by a fourth, cloth-workers of all countries were invited to come into the king's dominions, by promiſes of protection and encouragement

47 Rym. Fœd. tom. 4. p. 496. 48 Id. ibid. p. 723, 751.

ment [49]. Though theſe laws were premature, and could not be executed in their full extent at that time, they had a great effect, and contributed very much to the eſtabliſhment of the woollen manufacture in England.

Foreign manufacturers inſulted.

The people in general, and the weavers in particular, did not immediately perceive the ſalutary tendency of theſe meaſures of their king and parliament. On the contrary, they were much offended to ſee ſuch crowds of foreign weavers ſettling in all the principal towns of England, and thriving by their ſkill and induſtry. In London thoſe hated foreigners were ſo cruelly inſulted, that their lives were continually in danger. To put a ſtop to thoſe outrages, which threatened the diſappointment of his deſigns, Edward iſſued a mandate to the mayor and ſheriffs of London, A. D. 1344, to apprehend every perſon who gave any diſturbance to the foreign cloth weavers, to commit them to the priſon of Newgate, and ſend him an account of their names, that they might be puniſhed [50].

Different kinds of cloth manufactured.

By theſe and the like means, that excellent prince eſtabliſhed the manufactory of woollen cloths of many different kinds in England, in ſo effectual a manner, that before the end of his reign it was in a very flouriſhing ſtate. This appears from a curious paper publiſhed by Mr. Rymer, in the ſeventh volume of his Fœdera, containing a

[49] Statutes at Large by Mr. Ruffhead, vol. 1. p. 221.
[50] Rym. Fœd. tom. 5. p. 429.

grant

grant from Richard II. A. D. 1382, to Coſmo Gentilis, the collector of the pope's revenues in England, to export a great many pieces of different kinds of cloths of various colours, without paying any duty [51]. The firſt article in that grant conſiſts of ſix pieces of tapeſtry of a green ground, powdered with roſes, which the king ſent as a preſent to the pope. If this was the manufactory of England, which is very probable, it affords ſufficient evidence, that the weaving art, and the other arts connected with it, had then attained a conſiderable degree of perfection.

Though the cruel and deſtructive art of war was never more neceſſary, nor more practiſed in Britain than in the preſent period, few improvements of importance were made in that art, in the courſe of the thirteenth century. The armies were conſtituted, commanded, and armed in the ſame manner as in the former period, which hath been already deſcribed [52]. Art of war.

The engines employed in battering the walls of towns and caſtles, acted with great force; and ſome of them were of an enormous ſize. Thoſe uſed by Edward I. at the ſiege of Stirling caſtle, A. D. 1303, threw ſtones of three hundred pounds weight [53]. One of theſe ſtones was thrown with ſo much force (if we may believe Matthew of Weſtminſter) that it paſſed through both the outward walls of the caſtle [54]. When Edward III. invaded Military engines.

[51] Rym. Fœd. tom. 7. p. 356.
[52] See vol. 6. p. 201—217.
[53] W. Hemmingford, p. 295.
[54] Mat. Weſtminſt. l. 2. p. 448.

Britanny,

Britanny, A. D. 1342, he carried his engines with him from the tower of London to Sandwich, with an intention to tranſport them to the continent; but not being able to procure a ſufficient quantity of ſhipping to tranſport both his troops and engines, he left theſe laſt behind him, and gave a commiſſion to John de Wynewyk and William de Hurle, to preſs as many ſhips in all the ports of the kingdom, as would be neceſſary to carry back the engines to the tower [55]. This is a ſufficient proof that thoſe inſtruments of deſtruction were of a great ſize, as well as very numerous. This ancient artillery continued to be uſed in ſieges a conſiderable time, ſome of them two centuries, after the invention of gunpowder and cannon [56].

Greek fire.

Greek-fire continued alſo to be employed in war, long after the introduction of fire-arms, particularly in the attack and defence of ſtrong places. When an Engliſh army, commanded by the martial biſhop of Norwich, beſieged Ypres, A. D. 1383, the garriſon, it is ſaid, defended themſelves ſo well with ſtones, arrows, lances, Greek-fire, and certain engines called *guns*, that they obliged the Engliſh to raiſe the ſiege with ſuch precipitation, that they left behind them their great guns, which were of ineſtimable value [57]. A part of that army was ſoon after beſieged in the town of Burbourgh, by the French, who threw ſuch quantities of Greek-

55 Rym. Fœd. tom. 5. p. 350.
56 P. Daniel, Hiſtoire de la Milicie Françoiſe, tom. 1. p. 319.
57 T. Walſing. p. 303.

fire;

fire into it, that they burnt a third part of the town, which obliged the Engliſh to capitulate [58].

The croſs-bow was conſidered as ſo deſtructive an inſtrument, that the uſe of it amongſt Chriſtians againſt one another was prohibited by a canon of the ſecond council of Lateran, A. D. 1139, and by a bull of Pope Innocent III. in the beginning of the thirteenth century, which for a time had their effect [59]. But by degrees theſe prohibitions were diſregarded, the croſs-bow was reſumed, and continued in uſe during the whole of this period. It was a very deſtructive inſtrument, throwing arrows or quarrels to a great diſtance. Theſe quarrels were larger than other arrows, ſome of them were made of braſs, and pointed with ſteel [60]. Croſs-bows.

It may ſeem ſurpriſing, that the invention of gunpowder made ſo little alteration in the art of war for ſo long a time. This was owing to ſeveral cauſes. The art of making gunpowder was long very imperfect, and known to few; and the art of making inſtruments proper for applying it to the purpoſes of war was ſtill more imperfect. In conſequence of this, both gunpowder and fire-arms were long very ſcarce and very dear. We cannot ſuppoſe that the cannons which the Engliſh left behind them when they raiſed the ſiege of Ypres A. D. 1383, were either very large or very numerous; and yet we are told by a contem- Reaſons why fire-arms made ſo little change in the art of war.

[58] T. Walſing. p. 304.
[59] P. Daniel, tom. x. p. 308.
[60] Rym. Fœd. tom. 3. p. 16.

porary

porary hiſtorian, that their value was ineſtimable. The ſame hiſtorian relates, that an Engliſh fleet, A. D. 1386, took two French ſhips with very valuable cargoes; and a quantity of gunpowder was found in one of them, which was of greater value than all the other commodities [61]. Beſides this, the warriors of thoſe times were in poſſeſſion of very powerful inſtruments of deſtruction, with the management of which they were well acquainted; and therefore we may preſume that they were not very forward in adopting new ones of ſo different a nature.

But though the invention of gunpowder and fire-arms did not produce immediately any very remarkable change in military matters; yet by ſlow degrees, and in length of time, it brought about an almoſt total alteration in the art of war: and therefore it may be proper to pay ſome attention to the progreſs of this great revolution.

Invention of gunpowder.

That the ingredients of gunpowder, and the art of making it, were known to our ingenious countryman Roger Bacon, is undeniable [62]. But that humane philoſopher, dreading the conſequences of communicating this diſcovery to the world, tranſpoſed the letters of the Latin words which ſignify charcoal, which made the whole obſcure [63]. By this means he rendered it difficult to diſcover this

[61] T. Walſing. p. 323.

[62] Baconi Epiſtola de Secretis Operibus Artis et Naturæ, chap. 11.

[63] Sed tamen ſalis petræ, *luris mope cân vbre* (carbonum pulvere,) et ſulphuris; et ſic facies tonitrum et corruſcationem, ſi ſcias artificium.

danger.

dangerous ſecret by the peruſal of his works, and at the ſame time ſecured to himſelf the honour of having known it, if it ſhould be diſcovered by any other perſon. This accordingly happened not long after Bacon's death: for about the beginning of the fourteenth century one Barthold Schwartz, a German monk and chymiſt, accidentally diſcovered gunpowder as he was pounding ſaltpetre, ſulphur, and charcoal in a mortar, for ſome other purpoſe [64].

Introduction of fire-arms.

It is difficult to diſcover the exact time when gunpowder and fire-arms were firſt employed in war by the Britiſh nations. If we may give credit to John Barbour, archdeacon of Aberdeen, in his metrical life of king Robert Bruce, Edward III. had cannon (which that author calls *crakys of war*) in his firſt campaign againſt the Scots A. D. 1327. On that occaſion, he acquaints us, the Scots obſerved two great novelties in the Engliſh army, which he thus deſcribes:

Two novelties that day they ſaw,
That forouth in Scotland had been nane.
Timbers for helmes was the ane,
That they thought then of great beautie,
And alſo wonder for to ſee.
The other crakys were of war,
That they before heard never air [65].

It is probable, that the archdeacon received this anecdote from ſome of his countrymen who had

[64] Du Cange Gloſſ. voce Bombarda.
[65] Barbour's Life of Bruce, p. 408, 409.

been in the Scotch army, and heard theſe crakys of war; as he wrote his book only about forty years after that time. It ſeems to have been ſeveral years after this, when the Scots firſt made uſe of cannon; which it is probable they received from France: for a fleet conſiſting of five large ſhips, loaded with men and arms, arrived in Scotland from France A. D. 1339, which encouraged the Scots to attempt the recovery of thoſe ſtrong places which the Engliſh ſtill poſſeſſed in Scotland. With the aſſiſtance of theſe auxiliaries they took Perth, and then beſieged the caſtle of Stirling; and being informed that an army was ready to march from England to its relief, they battered the place with cannon and other engines, and compelled the garriſon to capitulate[66]. That fire-arms were uſed in France at that time, and before it, appears from the following article in the accounts of the treaſurer of war, A. D. 1338:—"To Henry de Faumichan, for gunpowder and "other things neceſſary for the cannon at the ſiege "of Puii Guillaume[67]." Edward III. had cannon in his army at the famous battle of Creſſy, and ſtill more famous ſiege of Calais, A. D. 1346[68]. By degrees the uſe of cannon became more and more common, ſo that in a few years the conſternation that was at firſt produced by their exploſion was very much abated. This we learn from the illuſtrious Petrarch, in his dialogues on the reme-

[66] Froiſſart, l. 1. c. 74. [67] Du Cange Gloſſ. voce Bombarda.
[68] J. Villani, l. 12. c. 66. Froiſſart, l. 1. c. 144.

dies

dies of good and bad fortune, which were written A. D. 1358. In one of theſe dialogues between G. and R. is the following remarkable paſſage: "G. I have croſs-bows, and other machines of "war. R. I am ſurpriſed that you have not alſo "ſome of thoſe inſtruments which diſcharge balls "of metal with the moſt tremendous noiſe, and "flaſhes of fire.—Theſe deſtructive plagues were "a few years ago very rare, and were viewed with "the greateſt aſtoniſhment and admiration; but "now (1358) they are become as common and "familiar as any other kind of arms. So quick "and ingenious are the minds of men in learning "the moſt pernicious arts [69]!"

Cannon.

Cannon, or as they were called, *bombards*, were the moſt ancient fire-arms [70]. The firſt cannon were very clumſy and ill contrived, wider at the mouth than at the chamber, and ſo like a mortar, that it is probable the idea of them was ſuggeſted by that in which Schwartz pounded his materials when he diſcovered gunpowder [71]. This capital error in the art of making cannon was ſoon corrected; but others ſtill remained. They were all made of iron, without any mixture of other metals; ſome of them were too long, and others of them too ſhort [72]. In a word, the art of making cannon was ſtill very imperfect long after the concluſion of this period.

69 Petarch, De Remediis utriuſque Fortunæ, Baſil edit. p. 84.
70 Du Cange Gloſſ. voce Bombarda.
71 P. Daniel, tom. 1. p. 322. 72 Id. lib. 6. chap. 5.

Made in England.

Both gunpowder and cannon were made in England in the fourteenth century. This appears from a commiſſion given to Thomas Norwich by Richard II. A. D. 1378, to buy two great and two ſmall cannon in London, or any other place, and alſo to buy certain quantities of ſaltpetre, ſulphur, and charcoal, for making gunpowder [73]. From the ſame commiſſion, as well as from other evidences, it appears, that cannon-balls were at firſt frequently made of ſtone; for the ſame perſon is therein commanded to purchaſe ſix hundred balls of ſtone, for cannon and for other engines [74].

Hand-cannon.

Beſides great guns, which are ſtill named *cannon*, a ſmaller kind of fire-arms, called *hand-cannon*, came into uſe in this period. They were ſo ſmall and light, that one of them was carried by two men, and fired from a reſt fixed in the ground [75]. The four hundred cannon, or the greateſt part of them, with which an Engliſh army beſieged St. Malo A. D. 1378, muſt have been of this kind [76].

Priſoners of war.

It was a happy circumſtance, that in thoſe turbulent times avarice gave ſome check to cruelty, and many perſons who might have been killed in battle were ſaved, and taken priſoners, for the ſake of their ranſoms. Theſe ranſoms were commonly as great as the captives were capable of

73 Rym. Fœd. tom. 7. p. 187.
74 Id. ibid. P. Daniel, tom. 1. lib. 6. p. 324.
75 Id. ibid. p. 321. 76 Froiſſart, tom. 2. p. 34.

paying;

paying; and many priſoners were obliged to ſacrifice their fortunes to regain their freedom. To ſay nothing of the ranſoms of the kings of France and Scotland, Bertrand du Gueſceline, conſtable of France, who was taken by the Engliſh A. D. 1368, paid no leſs than one hundred thouſand franks of gold before he could obtain his liberty [77]. By this means war became a very gainful trade to thoſe who were ſo fortunate as to take many or wealthy priſoners. The famous ſir Walter Manny, who acquired ſo much fame and wealth by war in the reign of Edward III. gained no leſs than 8000 l. (containing as much ſilver as 24,000 l. and equal in value to 100,000 l. of our money at preſent) by the priſoners he had taken in one campaign, A. D. 1340 [78]. Priſoners of war were ſo much the property of their captors, that they ſometimes ſold them, and ſometimes left them in legacies to their friends; and when they did not diſpoſe of them, they deſcended to their heirs [79]. But to prevent dangerous priſoners from being too eaſily ſet at liberty, the king had a power to demand them from their captors, on paying a competent ſum for their ranſom, or to command their captors not to ranſom them without a royal licence [80].

77 Froiſſart, tom. 2. p. 332. 78 Rym, Fœder. tom. 5. p. 183.
79 Id. ibid. p. 531. 535.
80 Id. ibid. p. 532. Paſquier, Recherches de la France, p. 379.

SECTION II.

Hiſtory of the fine and pleaſing arts of Sculpture, Painting, Poetry, and Muſic in Britain, from A. D. 1216, *to* A. D. 1399.

Fine arts cultivated.

SEVERAL things contributed to promote the cultivation of the fine arts in the preſent period. In particular,—the manner of building and furniſhing churches,—the forms of public worſhip,—the opulence of the clergy,—and the ſplendour and munificence of the greater barons. Theſe things furniſhed conſtant employment, and ample rewards, to the profeſſors of the pleaſing arts, and rendered a genius for ſculpture, painting, poetry, and muſic, equally honourable and profitable to the poſſeſſor.

Sculpture.

Many cathedral, conventual, and other churches, were built in Britain in this period, which were in general magnificent ſtructures, ornamented on the outſide with ſtatues of all dimenſions, and with various figures of angels, ſaints, popes, prelates, and monks, in baſſo and alto relievo. The ſtatues and ſculptures that were executed in France, have been better preſerved than thoſe of Britain; and plates, with deſcriptions of many of them, have been publiſhed by father Montfaucon; who declares,—That the ſculptors of the thirteenth century greatly excelled their predeceſſors in ſevera

veral reſpects [1]. Beſides thoſe which have been defaced by time and the injuries of the weather, many of the ſtatues and ſculptures which ornamented the churches of this iſland were demoliſhed by violence at the reformation, or in the civil wars of the laſt century; but thoſe few which ſtill remain confirm the truth of father Montfaucon's declaration [2].

Statues.

That ſuperſtitious veneration which was univerſally paid to crucifixes, and to the images of the Virgin Mary, the apoſtles, and other ſaints, furniſhed another branch of buſineſs to the ſtatuaries of this period; and they were excited, by the moſt ample rewards, to exert all their ſkill to give thoſe objects of the people's devotion a graceful and venerable appearance. Several of the clergy, and particularly of the monks, applied to the pious work (as it was then eſteemed) of making images for their churches, and were prompted by their religious zeal, and by the proſpect of obtaining both wealth and honour, to render them as attracting as poſſible. Walter de Coleceſter, ſacriſt of the abbey of St. Alban's, is celebrated by Matthew Paris, his contemporary, and a monk of the ſame abbey, as an admirable ſtatuary; and ſeveral of his works are deſcribed as exquiſitely beautiful [3].

[1] Montfaucon Monumens de la Monarchie Françoiſe, tom. 1.
[2] Fox's Acts and Monuments, p. 369. col. 1.
[3] M. Paris, Vitæ Abbatum, p. 80, 81.

Shrines and tombs.

The ſhrines of ſaints, with the tombs of princes, prelates, barons, knights, and their ladies, afforded further employment to the ſtatuaries and ſculptors of this period; as they were generally adorned with ſtatues, and ſome of them with a great number of figures [4]. Some of theſe works were probably executed by foreign artiſts; as, particularly, the ſhrine of Edward the Confeſſor, in Weſtminſter abbey, by Peter Cavalini, a Roman ſculptor [5]. But, upon the whole we have ſufficient evidence, that this art was cultivated with care and ſucceſs in Britain in this period. For, beſides all the ſtatues that were uſed at home, we find that ſome, probably conſiderable numbers, were exported. Richard II. granted a licence to Coſmo Gentiles, the pope's collector in England, A. D. 1382, to export three great images, one of the Virgin Mary, one of St. Peter, and one of St. Paul, and a ſmall image of the Holy Trinity, without paying any duty or cuſtom for them; which ſeems to indicate, that certain cuſtoms were then payable on the exportation of ſuch commodities [6].

Painting.

When ſculpture was cultivated, the kindred art of painting could not be neglected. On the contrary, there are the cleareſt proofs remaining, that painting was cultivated with ſtill greater diligence

4 See Brown Willes Cathedrals, Weaver's Monuments, &c.
5 Mr. Walpole's Anecdotes of Painting, vol. 1. p. 18.
6 Rym. Fœd. t. 7. p. 357.

and

and ſucceſs than the other [7]. In particular, painting appears to have flouriſhed very much in the former part of this period, under the patronage of Henry III. who was a moſt munificent encourager of the fine arts [8]. This prince kept ſeveral painters conſtantly in his ſervice, as William, a monk of Weſtminſter; William, the Florentine; and Mr. Walter, who was probably Walter de Coleceſter, ſo much celebrated by Matthew Paris for his admirable genius for painting as well as ſculpture [9]. By theſe and others, many hiſtorical paintings were executed for him, in his ſeveral palaces of Wincheſter, Woodſtock, Weſtminſter, the Tower of London, Nottingham, Northampton, Windſor, Guildford, and Kenelworth. One chamber in the palace of Wincheſter was painted green, with ſtars of gold, and the whole hiſtory of the Old and New Teſtament [10]. In one room in the palace of Weſtminſter, and in another in the Tower of London, the hiſtory of the expedition of Richard I. into the Holy Land was painted [11]. Theſe pictures (to ſay nothing of many others) muſt have contained a prodigious number of figures; but with what degree of taſte they were executed, we have no opportunity of judging. Though ſome ſucceeding princes were not ſo fond of paintings as Henry III. had been, the art ſtill continued to

7 See the learned and ingenious Mr. Walpole's Anecdotes of Painting, from p. 1. to p. 32.

8 Id. p. 21.

9 Id. p. 15, 16. M. Paris, Vitæ Abbat.

10 Anecdotes, &c. vol. 1. p. 7.

11 Id. ibid. p. 11.

flouriſh;

flouriſh; and we have reaſon to believe, that good painters wanted neither patrons nor employment. The coronation, wars, marriages, and funeral of Edward I. were painted on the walls of the great hall in the epiſcopal palace of Litchfield, A. D. 1312, by order of biſhop Langton[12]. Friar Simeon ſaw a ſtill more curious picture in the palace of Weſtminſter, A. D. 1322; which he thus deſcribes:—"Near this monaſtery (of "Weſtminſter) ſtands the moſt famous royal pa-"lace of England, in which is that celebrated "chamber, on whoſe walls all the warlike hiſ-"tories of the whole bible are painted with in-"expreſſible ſkill, and explained by a regular and "complete ſeries of texts, beautifully written in "French, over each battle, to the no ſmall ad-"miration of the beholder, and diſplay of royal "magnificence[13]." So intent was Edward III. upon finiſhing the paintings in the chapel of his palace of Weſtminſter, that he granted a precept, dated 18th March, A. D. 1350, to Hugh de St. Alban, maſter of his painters, commanding him to impreſs all the painters in the counties of Kent, Middleſex, Eſſex, Surry, and Suſſex, to conduct them to Weſtminſter, and keep them in his ſervice as long as it ſhould be neceſſary. Apprehending that all theſe would not be ſufficient, he granted ſimilar precepts, of the ſame date, to John Athelard and Benedict Nightingale, to impreſs all the painters in the counties of Lincoln,

[12] Warton's Hiſtory of Poetry, vol. 2. p. 216. [13] Id. ibid.

North-

Northampton, Oxford, Warwick, Leiceſter, Cambridge, Huntingdon, Norfolk, and Suffolk, for the ſame purpoſe [14]. Theſe paintings muſt have been numerous and extenſive, whatever they were in other reſpects. The truth is, that the principal churches and chapels were not only furniſhed with portraits of the Virgin Mary, the apoſtles, and other ſaints, but the walls of ſome of them were almoſt covered with ſcriptural, moral, and allegorical paintings [15]. So great and general was the taſte for paintings in this period, that not only the walls of churches and palaces, but even of the bed-chambers of private gentlemen, were ornamented with hiſtorical pictures. When Chaucer was rouſed from his famous poetical dream, he expreſſes his ſurpriſe, that all the gay objects which he had ſeen in his ſleep were vaniſhed, and he ſaw nothing

> Save on the wals old portraiture
> Of horſmen, haukes, and houndis,
> And hart dire all full of woundis [16].

This, I am perſuaded, is a real deſcription of the poet's bed-chamber. In the ſame poem, Chaucer deſcribes a church-window:

> ——— richly ypeint
> With lives of many divers ſeint.

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14 Rymeri Fœd. tom. 5. p. 670.

15 Fox's Acts and Monuments, p. 370. col. 1. Warton's Hiſtory of Poetry, p. 217. note (a).

16 Chaucer's Works, by Urry, p. 587. col. 1.

And

And it is well known, that painting on glaſs was much practiſed, and brought to great perfection, in the preſent period [17]. The ſame may be ſaid of another ſpecies of painting, which was called *illuminating*. This appears from many manuſcripts beautifully illuminated, which are ſtill preſerved in the Britiſh Muſeum, and other libraries, from which ſeveral prints have been publiſhed [18]. Nay, ſo faſhionable was the ſtudy of painting in this period, that it was eſteemed as neceſſary a part of the education of a young gentleman as writing. It is ſaid of the ſquire, or knight's ſon, in Chaucer,

> —— Songis he could make, and well endite,
> Juſt, and eke daunce, and well portraie and write [19].

Poetry.

Though Britain abounded as much with poets in the thirteenth century as in any other period, and though they were as much admired by their contemporaries as thoſe who flouriſhed in better times, few or none of them are now famous: their names are generally forgotten, and their works neglected. This obſcurity is perhaps as much owing to the antiquated nature of the languages in which they wrote, and the ſubjects of which they ſung, as to the mediocrity of their poetical talents.

Metrical chronicles and romances.

To ſay nothing of ſonnets, and other ſhort pieces of poetry, the larger poems compoſed in

[17] Chaucer's Works, by Urry, p. 584. col. 2.

[18] See Mr. Strut, vol. 2, 3.

[19] Chaucer's Works, p. 2.

the thirteenth century were either metrical chronicles or metrical romances; and the languages in which they were written were either Latin, French, or Engliſh; which laſt is now become almoſt as unintelligible to a mere Engliſh reader as the two former.

Robert of Glouceſter, who was a monk in the abbey of Glouceſter, and flouriſhed in the reigns of Henry III. and Edward I. compoſed a rhyming chronicle of England, from Brutus to Edward I. which hath been printed [20]. Our author, it muſt be confeſſed, was but an indifferent poet, and a worſe hiſtorian, having adopted the abſurdeſt fables of Geoffrey of Monmouth, and clothed them in tireſome inanimated rhymes. His language was the vulgar Engliſh of the age in which he wrote, is full of Saxoniſms, and hardly intelligible to a modern reader. The following fabulous account of the tranſportation of Stonehinge from Africa to Ireland by giants, and from thence to Saliſbury plain by Merlin, will juſtify the above ſtrictures, and be a ſufficient ſpecimen of this work. King Arthur having conſulted Merlin about erecting a monument in honour of the Britons who had been treacherouſly ſlain by the Saxons near Ameſbury, the magician replied,

Robert of Glouceſter.

Sire kyng, quoth Merlin, tho' gif thou wolt here caſte
In the honour of men, a worke that ever ſchal ylaſte,

[20] See Robert of Glouceſter's Chronicle, 2 vol. Oxon. 1724.

To

To the hul of Kilar ſend into Yrlonde,
Aftur the noble ſtones that ther habbet lenge yſtonde,
That was the tricke of giandes, for a quoynte work there is
Of ſtones all wyth art ymad in the world ſuch non ys.
Ne ther nys nothing that me ſcholde myd ſtrenghe adoune caſt.
Stode heo here, as heo doth there ever a wolde laſt.
The kyng Somedele to lyght, though he herde this tale,
How mygte, he ſeyde, ſuch ſtones, ſo grete and ſo fale,
Be ybrogt of ſo fer lond? And get miſt of were,
Me wolde wene, that in this londe no ſton to wonke nere.
Syre king, quoth Merlyn, ne make noght an ydel ſuch lyghyng.
For yt nys an ydel noght that ich tell this tythyng.
For in the farreſte ſtude of Affric giands while fette
Thike ſtones for medycyne, and yn Yrlonde him ſette,
While heo wonenden in Yrlonde to make here bathes there,
Ther undir for to bathi wen thic ſyk were.
For heo wuld the ſtones waſch, and ther enne bath ywis.
For ys no ſtone ther among that of grete vertu nys.
The kyng and ys conſeil radde the ſtones for to ſette,
And wyth gret power of batail, gif any mon him lette.
Uter the kynge's brother, that Ambroſe hett alſo,
In another name, ychoſe was thereto,
And fifteene thouſant men this dede for to do;
And Merlyn for his qointiſe thider went alſo.

* * * * * * *

Ye yonge men, quoth Merlyn, cutheth now your mygte,
How ye mow this ſtones beſt to the ſchip dygte.
Hea ſtode and bithogte him beſt, and cables fette ynowe,
And laddres and leveres, and faſt ſchow and drowe.
Ac heo ne migte come for nothing to end myd here wille.
Merlyn ſay this, and low, and bad him ſtonde ſtille.
He ſette hys gynnes, as he wold, and ys quoyntiſe dude ſtille.
And the folk myd tho ſtones ho dude all here wille;
And lette him to ſchippes brynge, and ſo into this londe,
Ac ther was ſom inchantery ther to ich underſtonde [21].

[21] Robert of Glouceſter, v. 1. p. 145—148.

Peter

Peter Langtoft, a canon in the monaſtery of Bridlington in Yorkſhire, flouriſhed at the ſame time with Robert of Glouceſter, and wrote a chronicle of England from Cadwallader to Edward I. in French verſe. This work was properly a continuation of an ancient metrical chronicle in the ſame language; the firſt part of which had been compoſed by one Euſtace, A. D. 1155, and the ſecond part by Robert Wace, canon of Bayeux, A. D. 1160[22]. All the three parts of this chronicle were tranſlated into Engliſh verſe by Robert Manning, who is better known by the name of Robert de Brunne, from the monaſtery of Brunne in Lincolnſhire, in which he was a monk. He acquaints us with the motives which engaged him to make this tranſlation in his prologue to the firſt and ſecond parts, and of the contents of theſe two parts: Langtoft and de Brunne.

Lordyngs that be now here,
If ye wille liſtene and lere,
All the ſtory of Inglande,
As Robert Manning wrytten it fand,
And on Englyſch has it ſchewed,
Nor for the lered, but for the lewed.
And it is wildom forto wytten,
The ſtate of the land, and hef it wrytten,
What manere of folk firſt it wan
And of what kynde it firſt began.
And gude it is for many things,
For to here the dedis of kynges,

[22] Warton's Hiſt. Poet. v. 1. p. 62, 63.

Whilk

Whilk were foles, and whilk were wyſe,
And whilk of them couth moſt quantyſe,
And whilk did wrong, and whilk ryght,
And whilk mayntined pes and fyght.
Of thare dedis ſall be mi ſawe,
In what tyme, and of what law,
I ſholl you from gre to gre,
Sen the tyme of ſir Noe,
From Noe unto Æneas,
And what betwixt tham was,
And fro Æneas till Brutus tyme,
That kynde he tells in this ryme.
Fro Brutus to Cadweladres,
The las Briton that this lande teas [23].

In his prologue to the third part, he gives the following ſhort account of its original author:

Pers of Langtoft, a chanon
Schaven in the houſe of Bridlyngton
On Frankis ſtyle this ſtorie he wrote
Of Inglis kinges, &c.

Robert de Brunne's tranſlation of Langtoft's part of this chronicle hath been printed; and therefore it is not neceſſary to ſwell this ſection with any ſpecimen from that part [24].

Catalogues of metrical romances.

Mètrical romances, celebrating the wonderful atchievements of valiant and gentle knights, were the moſt frequent and favourite productions of the poets of the thirteenth century. Incredible numbers of theſe romances were compoſed in

[23] Warton's Hiſt. Poet. vol. 1. p. 64, 65.

[24] See Peter Langtoft's Chronicle, illuſtrated and improved by Robert of Brunne, 2 vols. Oxon. 1725.

France

France and England in that period; and hearing them repeated or ſung to the muſic of the harp, in the halls of palaces and caſtles, formed one of the chief amuſements of perſons of the higheſt rank. The following catalogues of a few of theſe romances will give the reader ſome idea of their numbers, their heroes, and their ſubjects:

Many Romayns men make new,
Of good knyhtes and of trewe:
Of their dedes men make romauns,
Both in England and in Fraunce.
Of Rowland and of Olyvere,
And of everie Doſepere,
Of Alyſaundre and Charlemayne,
Of kyng Arthur and of Gawayne;
How they wer knyghtes good and courtoys,
Of Turpen and of Oger the Danois;
Of Troye men rede in ryme,
Of Hector and of Achilles,
What folk they ſlew in pres, &c. [25]

Another:

Herkene now how my tale gothe:
Though I ſwere to you no othe,
I wyll you rede romaynes none,
Ne of Partenape, ne of Ypomedon,
Ne of Aleſaunder, ne of Charlemayne,
Ne of Arthur, ne of Gawayne,
Ne of Lancelot du Lake,
Ne of Bevis, ne of Guy, of Sydrake,
Ne of Ury, ne of Octavian,
Ne of Hector, the ſtrong man,

[25] Warton's Hiſt. Poet. vol. 1. p. 122.

Ne of Jaſon, neither of Achilles,
Ne of Eneas, neither Hercules, &c. [26]

Another:

—— Men that romaunces rede,
Of Bevys, Gy, and Gawayne,
Of kyng Richard, and Owayne,
Of Triſtram and Percyvale,
Of Rowland ris, and Aglavaule,
Of Archeroun, and of Octavian,
Of Charles, and of Caſſibedlan,
Of Keveloke, Horne, and of Wade,
In romaunces that of him bi made,
That geſtours dos of him geſtes,
At mangeres, and at great feſtes, &c. [27]

Another:

Men lykyn geſtis for to here
And romans ride in diverſe manere
Of Alexander the conquerour,
Of Julius Cæſar the emperour,
Of Greece and Troy the ſtrong ſtryf,
Ther many a man loſt his lyf;
Of Brut that baron bold of hand
The firſt conqueror of England,
Of king Arthur that was ſo ryche,
Was none in his tyme ſo clyche,
Of wonders that among his knyghts felle,
And Auntyrs didyn, as men her telle,
As Gawayne and other full Abylle,
Which that kept the round tabyll,
How king Charles and Rowland faught
With Sarazins, nold thei be caught:
Of Trytram and Yſoude the ſwete
How thei with love firſt gan mete.

[26] Warton's Hiſt. Poet. vol. i. p. 123.
[27] Id. ibid. p. 119. note (y).

Of

Of kyng John and of Iſinbras
Of Ydoyne and Amadas.
Stories of divers thyr.ges
Of princes, prelates, and kynges,
Many ſongs of divers ryme
As Engliſh, French, and Latyne[28].

Contradicted true hiſtory.

The authors of theſe metrical romances paid very little regard to the true hiſtory of their reſpective heroes, but boldly contradicted the beſt known and beſt eſtabliſhed facts. Nothing, for example, was better known in the thirteenth century, when the romance of our king Richard I. was written, than that he was the ſon of Henry II. and his queen Eleanor of Provence. But this plain ſtory did not pleaſe the author of that romance, who opens his poem with the following fiction. Henry II. having, by the advice of his barons, reſolved to marry, ſends meſſengers into many different countries, with directions that—

The fayreſt woman that was on lyve
They ſhould bring him to wyve.

Theſe meſſengers accidentally met at ſea with a moſt ſplendid ſhip,

Such ne ſaw they never none,
For it was ſo gay begone,
Every nayle with gold vgrave
Of pure gold was his ſklave,

[28] Warton's Hiſt. Poet. vol. 1. p. 123. See a catalogue of theſe ancient metrical romances in Dr. Percy's ingenious eſſay prefixed to the third volume of his Reliques of Ancient Engliſh Poetry.

Her maſt was of ivory,
Of ſamyte her ſayle wytly
Her ropes all of white ſylk,
As whyte as ever was ony mylke.
The noble ſhip was without
With clothes of gold ſpread about,
And her loft and her wyndlace
All of gold depaynted was.

"Being courteouſly invited, they went on board this ſhip, where they found Carbarryne king of Antioch, with his daughter, a princeſs of the moſt exquiſite beauty, attended by a numerous retinue of knights and ladies. The king received them with great politeneſs, and entertained them with a ſumptuous feaſt.

Whan thei had done their mete
Of adventures thei begyn to ſpeke.
The kyng them told in his reaſon,
How it cam him in a vyſyon,
In his lond that he came fro
Into Engelond for to go
And his daughter that was hym dire,
For to winde with him in fire,
And in this manner we be dyght
Unto your londe to winde ryght.

The meſſengers then acquainted the king and the princeſs with the commiſſion they had received from their maſter the king of England, and aſſured them,—

Further we will ſeek nought,
To my lorde ſhe ſhall be brought.

Accord-

Accordingly the king and princeſs, with the ambaſſadors, arrived ſafe in England, the princeſs is married to Henry II. and the lion-hearted Richard, the hero of the romance, is ſaid to have been the fruit of that marriage [29].

Robert Langlande.

The metrical romances of this period contain deſcriptions of the marvellous adventures of their knightly heroes, and abound with the Gothic machinery of dragons, giants, elves, fairies, enchanters, &c. But for a more perfect account of theſe curious performances than can be admitted into general hiſtory, the reader is referred to the very inſtructive and entertaining works quoted below [30].

Alliterative poetry.

The ſame taſte for compoſing, reading, and hearing metrical romances of chivalry prevailed in the fourteenth century, eſpecially in the reign of that gallant magnificent monarch Edward III. About the middle of that century an attempt was made to revive, or at leaſt to imitate the alliterative poetry of the Anglo-Saxons without rhyme, by Robert Langlande, a ſecular prieſt of Oxford, in his famous allegorical ſatire againſt perſons of all profeſſions, called *The Viſion of Pierce Plowman.* This poem abounds with the boldeſt perſonifications, the keeneſt ſatire, the moſt expreſſive deſcriptions, and the moſt ſingular verſification; of all which the four following lines, repreſenting the man-

[29] Warton's Hiſt. Poet. p. 151, &c.

[30] Hiſtory of Engliſh Poetry by Mr. Warton, vol. 1. § 5. Dr. Percy's Reliques of Ancient Engliſh Poetry, vol. 3.

ner in which hunger treated a reduced ſpendthrift, muſt ſuffice as a ſpecimen:

Hunger in haſt tho' hint Waſtour by the maw,
And wrong him ſo by the wombe that both his eies watered.
He buffeted the Briton about the chekes
That he looked lyke a lanterne al his life after[31].

About A. D. 1390 another poem in the ſame kind of verſification was compoſed, called *Pierce the Plowman's Crede*. It is a ſevere ſatire on the four orders of mendicant friars; and the following deſcription of an overgrown Franciſcan will give the reader ſome idea of the language and ſpirit of the poem:

I fond in a freture a frere on a benche,
A great chorl and a grym, growen as a tonne,
With a face ſo fat, as a full bleddere
Blowen bretful of breth, and as a bagge honged
On bothen his chekes and his chyn, with a choll lollede
So great a gos ey, growen all of grece,
That all wagged his fleſh as a quick mire[32].

John Barbour.

John Barbour, archdeacon of Aberdeen, was one of the beſt poets of Scotland, or even of Britain, in the fourteenth century. This appears from his metrical hiſtory of the life and acts of Robert Bruce, king of Scotland, which is a work of conſiderable merit, for the time in which it was compoſed. Though the archdeacon ſtyled his poem *a Romans*, he did not mean that it conſiſted of fabulous adventures; for he intended it to be (as

[31] Warton's Hiſt. Poet. vol. 1. p. 282. [32] Id. ibid. p. 305.

for

for the moſt part it is) a true hiſtory of the great actions of his hero:

Stories to read are delectable,
Suppoſe that they be nought but fable:
Then ſhould ſtories that ſoothfaſt were,
If they are ſaid in good manner,
Have double pleaſance in hearing.
The firſt pleaſance is the carping,
And the other the ſoothfaſtneſs,
That ſhews the thing right as it was.
And ſoothfaſt things that are likand,
To mens hearing are moſt pleaſand:
Therefore I would fain ſet my will,
If my wit might ſuffice theretil,
To put in writ a ſoothfaſt ſtory,
That it laſt ay forth in memory [33].

The verſification of this poem is, in general, correct and ſmooth, and the ſentiments juſt and noble. Of this it would be eaſy to produce many proofs, of which the following high encomium on freedom or liberty is one:

Ah Freedom is a noble thing!
Freedom makes man to have liking;
Freedom all ſolace to man gives;
He lives at eaſe that freely lives.
A noble heart may have none eaſe,
Nor nought elſe that may it pleaſe,
If freedom fail [34].

It is remarkable, that though Barbour was a Scotſman, his language is rather more intelligible to a modern Engliſh reader than that of any other poet

[33] Barbour, p. 1. [34] Id. p. 8.

of the fourteenth century, his great contemporary Chaucer himſelf not excepted.

Chaucer and Gower.

At the ſame time flouriſhed the two princes of ancient Engliſh poets, the great improvers of their art, and poliſhers of the language of their country, Jeoffrey Chaucer and John Gower, whoſe perſonal hiſtories have been briefly related [35]. The ſhorteſt analyſis that could be given of the numerous works of theſe two venerable bards would ſwell this ſection far beyond its due proportion; it is therefore hoped that the reader will be ſatisfied with the following characters of their poetical talents, drawn by the hand of one of the moſt ingenious and intelligent critics of the preſent age, who appears to have ſtudied their works with great attention.

Their characters as poets.

"Enough hath been ſaid to prove, that in ele-
"vation and elegance, in harmony and perſpicuity
"of verſification, Chaucer ſurpaſſes his prede-
"ceſſors in an infinite proportion: that his genius
"was univerſal, and adapted to themes of un-
"bounded variety; that his merit was not leſs in
"painting familiar manners with humour and pro-
"priety, than in moving the paſſions, and in
"repreſenting the beautiful or the grand objects
"of nature with grace and ſublimity. In a word,
"that he appeared with all the luſtre and dignity
"of a true poet, in an age which compelled him to
"ſtruggle with a barbarous language and a na-
"tional want of taſte, and when to write verſes at

[35] See p. 244—249.

"all

" all was conſidered as a ſingular qualifica-
" tion [36].

" If Chaucer had not exiſted, the compoſitions
" of John Gower the next poet in ſucceſſion,
" would alone have been ſufficient to reſcue the
" reigns of Edward III. and Richard II. from the
" imputation of barbariſm. His education was
" liberal and uncircumſcribed, his courſe of read-
" ing extenſive, and he tempered his ſeverer ſtudies
" with a knowledge of life. By a critical cultiva-
" tion of his native language, he endeavoured to
" reform its irregularities, and to eſtabliſh an
" Engliſh ſtyle [37]."

The hiſtory of dramatic poetry affords few authentic materials in the preſent period, and will be introduced with greater advantage in the tenth volume of this work.

Muſic and poetry were more intimately united in the middle ages than they are at preſent. Many muſicians were then poets, and ſung verſes compoſed by themſelves, and by others of their profeſſion to the muſic of their inſtruments. The ſecular muſicians of thoſe times were called *minſtrels*, and formed a very numerous fraternity, poſſeſſed many privileges, and held in high eſtimation by perſons of all ranks. They wore a particular dreſs, and certain ornaments which procured them immediate acceſs to the greateſt perſonages on the moſt ſolemn occaſions. Of this

Hiſtory of muſic.

[36] Mr. Warton's Hiſtory of Engliſh Poetry, vol. 1. p. 457.
[37] Id. vol. 2. p. 1.

the

the following remarkable and well-atteſted fact is a ſufficient proof: "When Edward II. this year "(1316) ſolemnized the feaſt of Pentecoſt, and "ſat at table in royal ſtate in the great hall of "Weſtminſter, attended by the peers of the "realm, a certain woman, dreſſed in the habit of "a minſtrel, riding on a great horſe, trapped in "the minſtrel faſhion, entered the hall, and going "round the ſeveral tables, acting the part of a "minſtrel, at length mounted the ſteps to the "royal table, on which ſhe depoſited a letter. "Having done this, ſhe turned her horſe, and "ſaluting all the company, ſhe departed." When the letter was read, it was found to contain ſome ſevere animadverſions on the king's conduct, at which he was much offended. The door-keepers being called, and threatened for admitting ſuch a woman, readily replied, "That it never was the "cuſtom of the king's palace to deny admiſſion to "minſtrels, eſpecially on ſuch high ſolemnities "and feaſt days [38]."

Muſical inſtruments.

Though the harp ſtill continued to be the chief and favourite inſtrument of the minſtrels of this period, there is ſufficient evidence that they knew and uſed a variety of other inſtruments; of which it may not be improper to name a few. The band of muſicians in the houſehold of Edward III. conſiſted of five trumpeters, one cyteler, five

[38] T. Walſing. Hiſt. Ang. an. 1316. p. 309. Trokelowe, edit. a T. Hearne, p. 39. See Dr. Percy's excellent eſſay on the Ancient Engliſh Minſtrels, prefixed to his Reliques of Ancient Engliſh Poetry, Vol. I.

pipers,

pipers, one tabret, one mabrer, two clarions, one fidler, three wayghts or hautbois [39]. In a work tranſlated into Engliſh in this period, the following muſical inſtruments are mentioned and deſcribed; the organ, the harp, the ſawtry, the lyre, the cymbal, the ſiſtrum, the trumpet, the flute, the pipe and tabor, the nakyre, the drum, and ſeveral others [40]. Among the accompliſhments of Chaucer's pariſh clerk, we are told,

> In twenty manir couth he trip and daunce,
> After the ſcole of Oxenford tho
> And with his legges caſten to and fro,
> And playin ſonges on a ſmall ribible,
> Thereto he ſong ſometime a loud quenible:
> And as well couth he play on a giterne [41].

Chaucer's miller was alſo a muſician; but on a more vulgar inſtrument:

> A bagge pipe well couth he blow and ſowne,
> And therewithal brought he us out of towne [42].

In one of Gower's poems are the following verſes:

> He taught hir, till ſhe was certeyne,
> Of harpe, citole, and of riote,
> With many a tewne and many a note [43].

Matthew Paris mentions muſical inſtruments called *burdons*, which were uſed in the church of St.

[39] Sir John Hawkins's Hiſtory of Muſic, vol. 2. p. 107.
[40] Id. ibid. p. 281, &c. [41] Chaucer, p. 26. [42] Id. p. 5.
[43] Confeſſio Amantis, fol. 178.

Alban's,

Alban's, and probably in other churches[44]. But it is unneceſſary to make this catalogue more complete.

Muſic much admired.

To what degree of perfection muſic was brought by the ſecular minſtrels of this period, we have no opportunity of judging[45]. But we have the fulleſt proof that it was exceedingly pleaſing to thoſe who heard it, and that it gave great delight to the greateſt and beſt men of thoſe times. Robert de Brunne hath preſerved the following anecdote, to this purpoſe, of the learned and pious biſhop Groſteſte or Greathead of Lincoln:

He lovede moche to hear the harpe,
For man's wille it makyth ſharpe.
Next hys chamber, beſyde his ſtudy,
Hys harper's chamber was faſt the by,
Many tymes, by nightes and dayes,
He hadd ſolace of notes and layes[46].

It is not to be imagined that kings, princes, prelates, and barons, would have conſpired to load thoſe minſtrels with honours and rewards, if they had not taken much pleaſure in their tuneful ſtrains.

Church muſic.

Sacred muſic was now cultivated with as much ardour by the clergy as ſecular muſic by the minſtrels. The church had been long gradually departing from the primitive ſimplicity of the chriſtian worſhip; and after the introduction of

44 M. Paris Vita Abbatum, p. 91.
45 See Sir John Hawkins, vol. 2. ch. 8.
46 Warton Hiſt. Poet. vol. 1. p. 61.

organs

organs into churches, ſo many of the public offices were ſung to the ſound of thoſe noble inſtruments, that the ſtudy of muſic became abſolutely neceſſary to all who were to bear any part in the celebration of theſe offices. Muſic was accordingly taught and ſtudied in all colleges, cathedrals, convents, and capital churches; and we are aſſured by a late writer, who hath made the moſt laborious reſearches into the hiſtory of muſic, "that the "clergy in the thirteenth century, were by much "the moſt able proficients, as well in inſtrumental "as vocal muſic [47]." The truth is, that in great churches ſome of the public offices were conſidered as muſical exhibitions, and frequented for amuſement rather than devotion. To the various diverſions of hunting, hawking, feaſting, dancing, which a king propoſed to his daughter to divert her melancholy, he added:

Then ſhall ye go to your even ſong,
With tenoures and trebles among,
Your quire nor organ ſonge ſhall want,
With country note and diſcaunt,
The other halfe on orgayns playing,
With yong chyldren ful fayn ſyngyng [48].

Chaucer's nun and friar were both proficients in muſic;—of the former it is ſaid,

Full wele ſhe ſong tho the ſervice divine.

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[47] Sir John Hawkins, vol. 2. p. 43.
[48] Warton Hiſt. Poet. vol. 1. p. 179.

Of

Of the latter, that

——certainly he had a merry note,
Wele couth he ſing and playin on a rote.

Muſical characters or meaſured ſong, invented.

Though Guido Aretini's invention of the muſical ſcale already mentioned, was very valuable, it was imperfect, becauſe it had no marks to denote the different lengths of ſounds [49]. This imperfection was afterwards removed by the invention of ſeveral characters for repreſenting the various lengths of muſical ſounds; and muſic delineated by theſe characters, was called *cantus menſurabilis* or *meaſured ſong*. But when or by whom this great improvement of delineating meaſured muſic was invented is not agreed; ſome aſcribing it to Franco, a ſcholaſtic of Liege, who flouriſhed towards the end of the eleventh century; and others to John de Muris, an Engliſhman, who flouriſhed in the former part of the fourteenth century [50]. This invention, whoever was the author of it, was much admired, many treatiſes were written to explain, improve, and recommend it, and it certainly contributed not a little to facilitate the communication and preſervation of muſical knowledge [51].

49 See vol. 6. p. 248.
50 Sir John Hawkins, vol. 2. p. 15, &c.
51 Id. ibid. p. 154.

THE HISTORY OF GREAT BRITAIN.

BOOK IV.

CHAP. VI.

History of Commerce, Coin, and Shipping, in Great Britain, from the death of king John A. D. 1216, to the acceſſion of Henry IV. A. D. 1399.

COMMERCE hath contributed ſo much to the proſperity, power, and wealth of Britain, that it is well intitled to a diſtinct and conſpicuous place in its hiſtory, in every period; and as coin and ſhipping, are the two chief inſtruments of commerce, they alſo merit a ſhare of our attention. Commerce merits a place in hiſtory.

The internal commerce of Britain, and particularly of England, was unqueſtionably an object of great importance in the preſent period; but it doth Internal commerce.

doth not ſeem to have been managed to the beſt advantage. It is a ſufficient proof of this, that the prices of the moſt valuable and neceſſary commodities were ſometimes more than double in ſome places to what they were in others. We are informed, for example, by a contemporary author, that A. D. 1258, a quarter of wheat coſt twenty ſhillings at Northampton, when it was ſold for eight ſhillings and ſix-pence at Dunſtaple [1]. This could not have happened, if intelligence had been regular, and commercial intercourſe ſafe and eaſy.

Loaded with ſeveral impoſts.

Internal trade was loaded at this time, with a great number of petty taxes and impoſitions, as laſtage, paiage, paſſage, pontage, ſtallage, and ſeveral others whoſe names are now become unintelligible [2]. Theſe taxes, or ſome of them, were demanded by every town, and by every baron through whoſe boundaries traders conveyed their goods, and at every place where they expoſed them to ſale.

Tranſacted in fairs.

The greateſt part of the domeſtic trade of Britain was ſtill tranſacted in fairs. Some of theſe fairs were of long duration, frequented by prodigious multitudes of people from different countries, and ſtored with commodities of all kinds. The fair of St. Giles's hill, near Wincheſter, continued ſixteen days, during which time all trade was prohibited in Wincheſter, Southampton, and every

[1] Annal. Dunſtap. an. 1258.

[2] Anderſon's Hiſt. Commerce, vol. 1. p. 110.

place within ſeven miles of the fair, which very much reſembled a great city, laid out into many regular ſtreets of tents, inhabited by foreign and domeſtic traders, who expoſed their various commodities to ſale [3]. To ſuch fairs our kings, prelates, and great barons, ſent their agents, and others went in perſon, to purchaſe jewels, plate, cloths, furniture, liquors, ſpices, horſes, cattle, corn, and proviſions of various kinds, and, in a word, every thing they needed, men and women not excepted. For we are aſſured, by a contemporary writer of undoubted credit, that men and women ſlaves were publicly ſold in the fairs of England, like beaſts, near the concluſion of the fourteenth century [4].

Foreign trade.

The foreign trade of England, in the preſent period, was more conſiderable and extenſive than is commonly imagined. This will appear from the following very brief review of the ſeveral countries with which the people of England had commercial intercourſe, and of the ſeveral ſovereigns and ſtates with whom the kings of England had commercial treaties. For we may reaſonably conclude, that a trade exiſted when it was regulated by treaties.

With Italy.

Genoa, Venice, Piſa, Florence, and ſome other free cities of Italy, were at this time the chief ſeats of trade in Europe; and their merchants furniſhed

[3] Warton's Hiſtory of Poetry, vol. 1. p. 279. note *b*.

[4] Bartholemeus de Proprietatibus Rerum, apud Sir John Hawkins's Hiſtory of Muſic, vol. 2. p. 126.

their own and other countries with the ſilks, ſpices, and other precious commodities of the eaſt. There is the fulleſt evidence, that all theſe cities now carried on a trade with England, and ſome of them with Scotland. In a letter from Edward II. dated July 18, 1316, to the ſtate of Genoa, he expoſtulates with them for permitting ſome of their citizens to carry on a trade with the traitor Robert Bruce, and the people of Scotland; and in order to engage them to prohibit that trade, he puts them in mind that a very ancient and friendly intercourſe had ſubſiſted between their ſtates and his anceſtors, kings of England, and their ſubjects [5]. Several commercial treaties were concluded between Edward III. and the Genoeſe [6]. The trade between the Venetians and the Engliſh was very conſiderable, as appears from the following incident. A quarrel happened between the crews of five Venetian ſhips lying at Southampton, and the people of that town, in which ſeveral perſons were killed on both ſides. Edward II. dreading that this might deter the Venetians from continuing their trade with England, publiſhed a manifeſto, granting a full pardon to all who had been concerned in that unhappy quarrel, and promiſing the moſt perfect ſecurity and friendly treatment to all Venetian merchants and mariners who ſhould come into England [7]. The commercial compacts of the kings of England with the cities of Florence and

5 Rym. Fœd. tom. 3. p. 565. 6 Id. tom. 5. p. 569. 703.
7 Id. tom. 3. p. 1012.

Piſa,

Piſa, are ſufficient evidences of their mutual trade [8].

The merchants of Majorca, Sicily, and ſome other iſlands in the Mediterranean, carried on a trade with England in this period. Edward II. who was a zealous promoter of the commerce of his ſubjects, made a commercial compact with the ambaſſadors of Sancho king of Majorca, A. D. 1323 [9]. Mediterranean iſland.

Several commercial treaties were concluded between the kings of England and Spain at this time; and, like many other treaties, were often violated by mutual captures of each other's ſhips; which produced mutual complaints and new treaties. In a truce for twenty years, concluded between Edward III. and the plenipotentiaries of the ſea-ports of Caſtile and Biſcay, A. D. 1351, the moſt perfect reciprocal freedom of trade is ſtipulated; after which the following remarkable article is added:—"*Item*, the fiſhers in the dominions of the king of Caſtile and Biſcay may come and fiſh freely and ſafely in the harbours of England, and in all other places where they pleaſe, paying the king his duties and cuſtoms [10]." Spain.

A trade was carried on between England and Portugal in this period, to their mutual ſatisfaction and advantage, till it was interrupted by the Spaniards or Caſtilians; who carrying Portugueſe Portugal.

8 Rym. Fœd. tom. 2. p. 953; tom. 5. p. 734.
9 Id. tom. 3. p. 1028. 10 Id. tom. 5. p. 719.

colours, took and plundered ſeveral Engliſh ſhips; and the Engliſh, before they diſcovered the deceit, made repriſals upon the Portugueſe. But as ſoon as the impoſition was found out, the two nations returned to their former friendly intercourſe; which was confirmed by a commercial treaty A. D. 1308 [11].

Engliſh provinces in France.

The commerce of the Engliſh with their own French provinces of Aquitaine and Gaſcony, was very conſiderable. Of this it is a ſufficient proof, that two hundred merchant-ſhips from England were ſometimes ſeen together in the harbour of Bourdeaux [12].

France.

The trade between the Engliſh and the ſubjects of the crown of France, in this period, was not ſo great as might have been expected. This was owing to various cauſes. Several of the maritime provinces of France were then in the poſſeſſion of other powers;—the French were not much addicted to commerce;—and the moſt violent national animoſities, and very frequent wars, ſubſiſted between the two nations. Their commercial intercourſe was ſo inconſiderable, that it was never mentioned in any of their treaties. Even in the famous treaty of peace at Bretigny, A. D. 1360, commonly called *the great peace*, there is not ſo much as one word concerning trade [13]. There is, however, ſufficient evidence that ſome trade was carried on between the French and Engliſh i

[11] Rym Fœd. tom. 3. p. 107. [12] Barn's Hiſt. Ed. III.
[13] Rym. Fœd. tom. 6. p. 178—196.

times

times of peace. Philip king of France complained, in very ſtrong terms, to Edward II. A. D. 1314, that the merchants of England had deſiſted from frequenting the fairs in his dominions with their wool and other goods, to the great loſs of his ſubjects; and intreated him to perſuade, and, if neceſſary, to compel them to frequent the fairs of France as formerly, promiſing them all poſſible ſecurity and encouragement [14].

Brabant, &c.

Edward II. at the requeſt of John duke of Brabant, Lorrain, and Luxemburg, granted permiſſion to the ſubjects of that duke to come with their ſhips and merchandiſes into England, promiſing them protection and ſeveral privileges [15].

Bretagne.

A commercial treaty was concluded between Edward II. and John duke of Bretagne, A. D. 1317, in which each of the contracting parties promiſed protection and friendly treatment to the mercantile ſubjects of the other in his dominions [16].

Holland, &c.

Certain diſputes having ariſen between the merchants of England and thoſe of Holland, Zealand, and Friſeland, William earl of Holland, Zealand, and Hanneau, and lord of Friſeland, ſent ambaſſadors into England, A. D. 1310, to ſettle theſe diſputes: which was accompliſhed; and a balance of 1300 l. ſterling was found due to two companies of Engliſh merchants. To pay

14 Rym. Fœd, tom. 3. p. 482.
15 Id. tom. 3. p. 647.
16 Id. tom. 3. p. 656.

this balance, the earl of Holland agreed that certain additional duties ſhould be laid on the ſhips and goods of his ſubjects in the ports of England [17].

Flanders.

As the great manufacturing towns of Flanders were the chief markets for Engliſh wool, the commercial intercourſe between England and theſe towns was very great, and regulated by many treaties [18]. So neceſſary was this intercourſe eſteemed by both parties, that it was not interrupted even when the earls of Flanders were at war with the kings of England [19].

Germany and the Hanſe towns.

The trade between Germany and England, in this period, was chiefly carried on by the famous confederacy of the Hanſe towns. This confederacy was very ancient, and by degrees became the greateſt maritime power, as well as the greateſt trading company, in Europe. Before the end of this period the Hanſeatic confederacy conſiſted of ſixty-four cities and great towns, chiefly ſituated on the ſhores of the Baltic, and the banks of the Rhine, and of other navigable rivers of Germany. The trade which theſe Hanſe towns carried on with England was very great, and was chiefly managed by a company ſettled in London, and inveſted with various privileges, called—*the German merchants of the ſteel-yard* [20].

17 Rym. Fœd. tom. 3. p. 650.

18 Id. tom. 2. p. 32. 536. 740. tom. 3. p. 647.

19 Id. tom. 5. p. 38.

20 Anderſon Hiſt. Com. vol. 1. p. 81, 87. 108, 109. 122, 123, 124. 198, 199, &c.

The

The knights of the Teutonic order, or, as they called themſelves, the Dutch knights of St. Mary's hoſpital at Jeruſalem, having made themſelves maſters of Pruſſia, Conradus de Zolner, grand maſter of that order, concluded a commercial treaty with Richard II. A. D. 1388, in which protection and friendly treatment were ſtipulated to the Engliſh merchants in Pruſſia, and to the Pruſſian merchants in England [21]. Pruſſia.

Before the concluſion of this period Sweden began to make ſome figure as a commercial ſtate; and the great queen Margaret publiſhed, A. D. 1396, ſome very wiſe regulations for the encouragement of trade, in which ſhe promiſed protection to all foreign merchants, particularly to the Engliſh, from whoſe king, Richard II. ſhe had borrowed three large ſhips of war [22]. Sweden.

The Danes, who had long been the ſcourge and terror of Europe by their piratical expeditions, had now loſt much of their ferocity, as well as of their power, and traded peaceably with other nations, and particularly with the Engliſh. This appears by a letter from Eric king of Denmark to Edward I. A. D. 1304, promiſing protection and friendly treatment to all Engliſh merchants in his dominions [23]. Denmark.

The moſt ancient commercial treaty between a king of England and a foreign prince, with which Norway.

[21] Hakluyt's Voyages, vol. 1. p. 150.
[22] Meurſii Hiſtoria Danica, lib. 5. Rym. Fœd. tom. 7. p. 744.
[23] Id. tom. 2. p. 949.

we are acquainted, is that which was concluded between Henry III. in his minority, A. D. 1217, and Haquin king of Norway. In this treaty, which is plain and ſhort, agreeable to the manners of the times, theſe princes promiſe protection and favour to each other's mercantile ſubjects in their dominions [24]. The commercial intercourſe between England and Norway was ſecured and regulated by a more prolix and particular treaty A. D. 1269 [25].

Iceland. The people of Blackney in Lincolnſhire carried on a conſiderable trade with Iceland in this period, and on that account they obtained a charter from Edward III. exempting their ſailors and ſhips from being impreſſed into the king's ſervice [26].

Ireland. Though the trade of Ireland appears to have been regulated by Engliſh laws in the thirteenth century, theſe laws did not confine it within narrow limits. By the ſtatute of Ireland, A. D. 1288, the king's officers are prohibited from ſeizing foreign ſhips, or moleſting foreign merchants, in the ports of Ireland: and the Iriſh are permitted to export their corn, proviſions, and other commodities, to any country not at enmity or war with the king of England [27]. The freedom of trade to and from Ireland was ſtill further ſecured by another law A. D. 1360 [28].

24 Rym. Fœd. tom. 1. p. 223. 25 Id. tom. 1. p. 858.
26 Hakluyt, vol. 1. p. 122. 27 Statutes at Large, vol. 1. p. 120.
28 Id. ibid. p. 304.

That

That violent national animoſity with which the minds of the two Britiſh nations began to be inflamed againſt each other, ſoon after the unfortunate death of Alexander III. of Scotland, put an end to the friendly intercourſe which had ſubſiſted between them in the firſt part of this period. From that time theſe two nations hardly exchanged any thing but wounds and injuries for one hundred years. During this hoſtile period, the three Edwards, ſucceſſively kings of England, not only prohibited their own ſubjects from trading with the Scots, but laboured with the greateſt earneſtneſs to prevent other nations, and particularly the Flemings, from having any commerce with that people. This they could not accompliſh: for the earls of Flanders conſtantly replied to all the ſolicitations of theſe powerful princes,—"That they did not encourage the Scots "in their wars, but that they could not exclude "them from their ports, without doing a great "injury to their own ſubjects, who depended very "much upon trade[29]." This animoſity between the two Britiſh nations proved as permanent as it was violent; and no leſs than a whole century elapſed before any regular commercial intercourſe between them was renewed. This was at length reſtored by the following article, in a truce concluded between the wardens of the marches of both kingdoms, A. D. 1386:—"Item, it is "acordit, that ſpecial aſſurance ſal be on the ſee, Scotland.

[29] Statutes at Large, vol. 2. p. 963. vol. 3. p. 770, &c.

"fra

" fra the water of Spie to the water of Tamye,
" for all marchands of bath the roialms, and here
" godes [30]."

Imprudent commercial laws.

The many laws that were made in England, in our preſent period, for the regulation and encouragement of trade, afford a further proof of its importance. Some of theſe laws were wiſe and uſeful, while others of them were imprudent and hurtful. Of the laſt ſort was the law of Edward II. A. D. 1314, fixing a certain price upon proviſions of all kinds, which produced a famine, and was ſoon repealed [31]. Of the ſame kind was the law of Edward III. A. D. 1363, commanding that no Engliſh merchant ſhould deal in any more than one commodity, either by himſelf or by a factor in any manner; and requiring every merchant to fix upon the commodity in which he reſolved to trade, before the term of Candlemas [32]. This abſurd law was alſo ſoon repealed. It may be queſtioned whether the remarkable laws and conſtitutions of the ſtaple, which required all Engliſh traders to bring the chief commodities of the kingdom, viz. wool, wool-fells, leather, lead, and tin, to certain towns, to be there ſold to merchant-ſtrangers, were prudent or uſeful; but there can be no doubt, that the law which made it felony for any Engliſhman, Welſhman, or Iriſhman, to export any of thoſe commodities, was moſt im-

[30] Rym. Fœd. tom. 7. p. 527.
[31] T. Walſing. Hiſt. Ang. p. 107.
[32] Statutes, 37th Ed. III. p. 394.

prudent

prudent and pernicious [33]. Of the ſame pernicious tendency was that law of Edward III. made A. D. 1368, prohibiting Engliſh merchants to import wine from Gaſcony, or to buy ſuch wine till it was landed in England by a merchant-ſtranger [34]. Nothing could be more unjuſt and cruel, as well as impolitic, than the famous law or cuſtom which long prevailed in England, of making every foreign merchant reſponſible for the debts, and even puniſhable for the crimes, of any of his countrymen who had become inſolvent, or had eſcaped from juſtice. This moſt unreaſonable law was abrogated by the ſeventeenth chapter of the ſtatute of the ſtaple, A. D. 1353 [35]. Several other laws were made in this period, which diſcover the anxiety of the kings and parliaments of England about commerce, and at the ſame time betray their ignorance of its real intereſts.

Wiſe commercial laws.

But ſome commercial laws were alſo made of a more ſalutary tendency. Such were the ſeveral laws for the uniformity of weights and meaſures [36]. But unhappily theſe laws were not ſo well contrived and executed as to prove effectual. The navigation acts made in the reign of Richard II. commanding Engliſh merchants to freight none but Engliſh ſhips, were evidently wiſe, and probably contributed to the increaſe both of ſhips

33 Statutes at Large, 24th Ed. III. ch. 3.
34 Id. 42d Ed. III. ch. 8. 35 Id. 27th Ed. III. ch. 17.
36 Id. p. 187. Henry III. 14th Ed. III. ch. 12. 27th Ed. III. ch. 10. 34th Ed. III. ch. 6. 13th Richard II. ch. 9.

and

and ſailors in England in ſucceeding periods [37]. But it ſeems to have been the chief object of the Engliſh legiſlature in this period, to invite foreign merchants to import the commodities of their reſpective countries, and export thoſe of England. With this view, many ſtatutes were made, promiſing protection and friendly treatment, together with various privileges and immunities, to merchants of all countries, upon condition that they paid their debts and the king's cuſtoms punctually [38].

Many foreign merchants ſettled in England.

Theſe laws for the encouragement of foreign merchants were not ineffectual. Great numbers of foreign traders, then called *merchant-ſtrangers*, were ſettled in London and other great towns of England, and formed into companies, ſome of which were a kind of corporations. As theſe companies of merchant-ſtrangers almoſt wholly engroſſed the foreign trade, and had a conſiderable ſhare of the internal commerce of England, a few of the chief of them may be mentioned.

Merchants of the ſteel-yard.

The German merchants of the ſteel-yard in London formed the moſt ancient, and for ſeveral centuries, the moſt flouriſhing of theſe foreign companies. This company had been ſettled in England even before the conqueſt; but it became much more powerful and opulent in the

[37] Statutes at Large, 5th Richard II. ch. 3. 14th Rich. II. ch. 6.

[38] Id. 9th Henry III. ch. 30. 2d Edward I. 13th Ed. I. ch. 1. 14th Ed. III. ch. 2. 25th Ed. III. ch. 2. 2d Rich. II. ch. 7. 5th Rich. II. ch. 1.

courſe

courſe of this period, than it had been before [39]. This was owing to its connection with the famous confederacy of the Hanſe towns, and to the additional privileges conferred upon it by all the Engliſh monarchs of thoſe times [40].

Merchants of the ſtaple.

The company of the merchants of the ſtaple was formed about the beginning of this period; and in the courſe of it became very conſiderable for the number of its members and importance of of its tranſactions. The views with which this company was eſtabliſhed, and the privileges with which it was inveſted, are worthy of our attention, as they diſcover the ideas that were then entertained of trade. It was eſtabliſhed to anſwer theſe two ends: 1ſt, To purchaſe and collect all that could be ſpared of the chief commodities of the kingdom; which were theſe five, wool, wool-fells, leather, lead, and tin; and to convey them to certain towns, which were called *ſtaple-towns*, that the king's cuſtoms might be collected with eaſe, and that foreign merchants might know where to find theſe commodities in ſufficient quantities: 2dly, To export theſe ſtaple wares to foreign countries, and to import returns for them in goods, coin, or bullion. Natives as well as foreigners might be, and were employed in executing the firſt of theſe ends; but no natives of England, Ireland, or Wales, could be concerned, directly or indirectly, in exporting any of theſe ſtaple-

[39] See vol. 4. p. 231.

[40] Rym. Fœd. tom. 2. p. 161. tom. 3. p. 268.

commo-

commodities [41]. The ſtaple-towns for England, Wales, and Ireland, appointed by the ſtatute, were—Newcaſtle upon Tyne, York, Lincoln, Norwich, Weſtminſter, Canterbury, Chicheſter, Wincheſter, Exeter, Briſtol, Caermarthen, Dublin, Waterford, Cork, and Drogheda [42]. Merchants of the ſtaple were exempted from the juriſdiction of the ordinary magiſtrates, and ſubjected only to the authority of a mayor and conſtables of the ſtaple, choſen annually in each of theſe towns, who were to judge in all diſputes by the merchant-law, and not by the common law [43]. A certain number of correctors were choſen in each ſtaple-town, whoſe office it was to regiſter all bargains, for which they received a ſmall fee from the parties [44]. There were alſo ſix mediators, two Germans, two Lombards, and two Engliſhmen, in every ſtaple-town, who were to determine all diſputes referred to them, in the preſence of the mayor and conſtables [45]. Many privileges and immunities were conferred by law on this famous company, which formed a kind of diſtinct commonwealth; and it was made felony to attempt to deprive it of any of theſe privileges [46].

Brotherhood of St. Thomas.

Another mercantile ſociety, called *The Brotherhood of St. Thomas Becket*, flouriſhed in the former part of this period, and was afterwards incorporated with the company of merchant adven-

[41] Statutes, 27th Ed. III.
[42] Id. ibid.
[43] Id. ch. 6. 8. 21.
[44] Id. ch. 22.
[45] Id. ch. 24.
[46] Id. ch. 25.

turers,

turers, which made a great figure for ſeveral centuries [47].

Companies of Italian merchants.

It will be ſufficient to name ſome of the companies of Italian merchants that were ſettled in England in this period, for managing the trade of the ſeveral ſtates and cities to which they belonged. Of theſe the Lombards were the moſt numerous and opulent; but, becoming odious for their uſurious practices, they were ſometimes ſeverely treated [48]. The Caurſini of Rome have been already mentioned [49]. They ſeem to have been as great extortioners as the Lombards; for (if we may believe Matthew Paris, a contemporary hiſtorian) they ſometimes exacted no leſs than ſixty per cent. intereſt per annum [50]. This, together with their oſtentatious diſplay of their riches, drew upon them a very ſevere proſecution, A. D. 1251 [51]. We find the ſociety of the Peruchi, and the ſociety of the Scali of Florence, reſiding in London in the reign of Edward II [52]. The companies of the Friſcobaldi of Florence, and of the Ballardi and Reiſardi of Lucca, were alſo ſettled in England in the ſame reign [53]. Edward III. acknowledges himſelf indebted to the company of the Bardi of Florence twelve thouſand marks; and grants them a preſent of two

47 Anderſon's Hiſtory of Commerce, vol. 1. p. 189.
48 Id. ibid. p. 167. 181.
49 See vol. 6. p. 282.
50 M. Paris, p. 286.
51 Id. p. 550.
52 Madox firma Burgi, p. 275.
53 Id. p. 96, 97. Rym. Fœd. tom. 2. p. 705.

thouſand

thouſand pounds for their good ſervices [54]. Theſe examples are ſufficient to prove, that ſeveral companies of Italian merchants were ſettled in England in this period, for managing the trade of the ſtates, cities, and companies, with which they were connected.

Jews.

The Jews may be reckoned among the ſtrangers ſettled in England on account of commerce. In the former part of this period they were numerous; and many of them had acquired great ſums of money by trade and uſury. But their ſituation was unhappy, being frequently plundered by the ſovereign, and univerſally hated by the people. At length the clamour againſt them for their extortions, for their debaſing and diminiſhing the coin, and for other crimes, became ſo vehement, that they were baniſhed out of England, A. D. 1290 [55].

Foreign merchants hated by the people, but encouraged by our kings and barons.

It was not agreeable to the Engliſh to ſee ſo great a ſhare of the commerce of their country in the hands of ſtrangers: on the contrary, theſe ſtrangers were hated and maltreated by them, and their expulſion moſt earneſtly deſired. But they found powerful protectors in our kings, prelates, and barons (to whom they were in many reſpects uſeful), who made many laws for their ſecurity and encouragement [56]. In particular, when the city of London preſented a petition to Edward I.

54 Rym. Fœd. tom. 4. p. 387. 55 Anderſon, vol. 1. p. 133.
56 Statutes, 9th Henry III. ch. 30. 2d Ed. I. 13th Ed. I. ch. 1. 14th Ed. III. ch. 2. 25th Ed. III. ch. 2. 2d Rich. II. ch. 7. 5th Rich. II. ch. 1.

A. D.

A. D. 1289, for the expulſion of all merchant-ſtrangers, that great prince replied,—"I am of "opinion, that merchant-ſtrangers are uſeful and "beneficial to the great men of the kingdom; "and therefore I will not expel them[57]." One of our ancient hiſtorians of the beſt credit expreſſes his abhorrence of the jealouſy of the Londoners, and their cruelty to foreign merchants; of which he gives the following example. A very rich merchant of Genoa preſented a petition to Richard II. A. D. 1379, for permiſſion to depoſit his goods in the caſtle of Southampton, promiſing to bring ſo great a ſhare of the trade of the Eaſt into England, that the price of a pound of pepper would be reduced to four pence, and the prices of all other ſpices in the ſame proportion. But the Londoners (ſays the hiſtorian), enemies to the proſperity of their country, hired aſſaſſins, who murdered the merchant in the ſtreet. "After "this (exclaims he) what ſtranger will truſt his "perſon among a people ſo faithleſs and ſo cruel? "Who will not dread our treachery, and abhor "our name[58]?"

Foreign trade was frequently interrupted in this period by the ferocious piratical diſpoſition of the mariners of all nations, who were too apt, when an opportunity offered, to plunder friends and foes without diſtinction. We have a lively picture of this, and of its fatal conſequences, in the follow- Piracy interrupted trade.

57 Anderſon, vol. 1. p. 131.

58 Tho. Walſing. Hiſt. Ang. p. 227.

ing account of the conduct of the ſeamen of the Cinque-ports, A. D. 1264, by a contemporary hiſtorian. "The mariners of the Cinque-ports, "having provided a powerful fleet, ſcoured the "ſeas, and greatly interrupted trade; ſeizing "every ſhip they met, and barbarouſly butcher-"ing their crews, whether they were foreigners "or their own countrymen: they threw their "bodies into the ſea, and applied the ſhips and "cargoes to their own uſe. More cruel than "Scylla or Charybdis, they murdered all who "brought neceſſary commodities into their coun-"try without diſtinction. By this means all "kinds of goods, in which England had formerly "abounded, became ſo ſcarce and dear, that a "quantity of wine or wax which had been uſually "ſold for forty ſhillings, now coſt eight or ten "marks, or even more; a pound of pepper "which uſed to be ſold for ſixpence, was now "ſold for three ſhillings; in a word, ſalt, iron, "ſteel, cloths, and goods of all kinds, became ſo "ſcarce, that the people ſuffered much want, and "the merchants were reduced to beggary [59]." But theſe deſtructive violences were never carried to ſo high a pitch, but when the affairs of the public were in great confuſion, as they were A. D. 1264.

The chief ſeats nearly the ſame as in the former period.

The chief ſeats of trade in England were the ſame in this as in the preceding period, with a few additions. The burgeſſes of Newcaſtle upon

59 Chronicon Tho. Wykes, ad ann. 1264.

Tyne,

Tyne, having obtained liberty of digging coals in the caſtle-muir from Henry III. A. D. 1234, and afterwards the property of that muir from Edward III. A. D. 1357, they ſoon after began to export coals to London, and other places, in conſiderable quantities [60]. Encouraged and enriched by that commerce, the people of Newcaſtle engaged in foreign trade; and we find a ſhip of theirs of the burden of two hundred tons, and valued at 400 l. equal in weight of ſilver to 1000 l. of our money, excluſive of her cargo, was ſeized in the Baltic, on her voyage to Pruſſia, A. D. 1394 [61]. Though Kingſton upon Hull was not founded till A. D. 1296, it encreaſed ſo faſt, that in leſs than one century it had become a large, rich, and populous town, engaged in foreign trade. In the treaty between Henry IV. and the Hanſe-towns, A. D. 1400, it appears that the mariners of thoſe towns had plundered four ſhips belonging to Hull, near the coaſt of Norway, ſome years before that time [62].

The exports and imports of England conſiſted nearly of the ſame commodities in this as in the preceding period; and therefore need not be here enumerated [63]. I have not met with any evidence, that ſlaves formed an article of exportation from England in the preſent period. In the annals of the priory of Dunſtable, we find the following

Exports and imports nearly the ſame as in the former period.

[60] Anderſon's Hiſt. Com. vol. 1. p. 111. 188. 207.
[61] Hakluyt's Voyages, vol. 1. p. 166.
[62] Id. ibid. p. 167.
[63] See vol. 6. p. 267—278.

lowing ſhort entry, A. D. 1283:—"This year, "in the month of July, we ſold our ſlave Wil- "liam Pyke, and received one mark from the "buyer[64]." But for what purpoſe this unhappy man was purchaſed, we are not informed. If one mark was the whole of his price, men muſt have been cheaper than horſes, or Pyke muſt have been a worthleſs fellow.

Balance of trade in favour of England.

That the balance of trade was very greatly in favour of England, in this period, is evident to a demonſtration. If this had not been the caſe, it would have been impoſſible for a country, without gold or ſilver mines of any great value, to have ſupplied thoſe prodigious inceſſant drains of treaſure to the court of Rome, and to foreign eccleſiaſtics, who poſſeſſed many of the beſt benefices of the kingdom; and thoſe ſtill greater drains occaſioned by the frequent and ruinous expeditions of her princes and nobles to the continent; and by various other means. Henry III. (for example) ſent out of the kingdom in a few years, in preſents to his foreign favourites, and in proſecuting the vain project of making his ſecond ſon prince Edmund king of Sicily, the enormous ſum of 950,000 marks, containing as much ſilver as 1,900,000 l. and of as much value as 5,000,000 l. of our money. This account the hiſtorian, who was ſecretary to the king, received from a clergyman of credit, who had examined all the rolls, and carefully calculated the ſums. About two

[64] Annal. de Dunſtap. ann. 1283.

years after (A. D. 1257) that king's brother, Richard earl of Cornwall, carried out of England at once 700,000 l. containing rather more ſilver than 2,000,000l. of our money; all which, together with the annual income of his great eſtate, for ſeveral years, he ſpent in Germany to no effect, in attempting to ſupport his election to be king of the Romans[65]. The annual revenues of the Italian clergy in England, the greateſt part of which was carried out of the kingdom, were found A. D. 1245, to amount to 60,000 marks, or 120,000 l. of our money[66]. From theſe few examples we may be convinced that the ſums carried out of England in the courſe of this period were immenſely great; and yet the balance of trade in favour of England ſupplied theſe ſums, and alſo gradually enriched the kingdom.

Cauſes of this.

The greatneſs of this balance ſeems to have been owing to the following circumſtance. The imports into England, in this period, conſiſted almoſt wholly of ſilks, fine cloths, wines, ſpices, and a few other articles of luxury, which were uſed only by the royal family, and a ſmall number of rich prelates and great barons; and therefore, though the prices of theſe commodities were high, the quantity uſed being trifling, the whole amount was inconſiderable. It appears upon record, that the value of all the goods imported into England A. D. 1354, was no more than 38,970 l. 3 s. 6 d.[67]

[65] M. Paris Hiſt. Angl. p. 639. [66] Id. p. 451.
[67] Anderſon Hiſt. Com. vol. 1. A. D. 1354.

The nominal pound at that time containing only, 46 s. 6 d. of our money, this ſum contained only as much ſilver as is now coined into 90,355 l. 5 s. If we ſuppoſe that any given quantity of ſilver would then have purchaſed five times as much of any commodity as the ſame quantity will do at preſent, it will follow, that as many goods of all kinds as were imported into England A. D. 1354 might now be imported for 451,776 l. 5 s.—a very contemptible ſum indeed when compared with the value of our preſent imports. But, on the other hand, the exports from England conſiſted of commodities of general uſe, as wool, wool-fells, leather, lead, tin, corn, butter, cheeſe, coarſe cloths, &c. which were exported in great quantities to ſeveral countries, where they found a ready market. Accordingly, it appears from the ſame record, that in the ſame year 1354 the value of the four articles of wool, wool-fells, leather, and coarſe cloths, exported, amounted to no leſs than 294,184 l. containing as much ſilver as 683,977 l. and of as great efficacy as 3,419,885 l. of our money. This alone, ſet in oppoſition to the whole imports of that year, yielded a balance in favour of England of 255,214 l. containing as much ſilver as 593,370 l. and of as great efficacy as 2,966,850 l. of our money at preſent [68]: a very great balance, though we have no account of the lead, tin, corn, and other articles exported.

[68] Anderſon Hiſt. Com. vol. 1. A. D. 1354.

From

From the above ſtate of the trade of England in this period it plainly appears, that though it was trifling in compariſon to what it is at preſent; yet, in proportion to its extent, it was unſpeakably more advantageous to the nation. From hence alſo it is evident, that the moſt effectual means which any people can employ for turning the balance of trade in their own favour are theſe two —to be ſparing in the uſe of imported luxuries,— and to be diligent in preparing articles of general utility for exportation.

Moſt effectual means of turning the balance of trade in our favour.

That moſt excellent device for the payment of accounts between merchants reſiding in different countries, by bills of exchange, without the actual tranſmiſſion of caſh, was not unknown in England in the preſent period. We find Peter Egiblanke biſhop of Hereford, employing this contrivance, A. D. 1255, to a very pernicious purpoſe. Henry III. had contracted an immenſe debt to the pope in proſecuting the abſurd project of making his ſon Edmund king of Sicily; and his holineſs, who was much indebted to certain Italian merchants, who had advanced money for carrying on the war, had become importunate for payment. In this extremity the biſhop of Hereford ſuggeſted to Henry the following curious ſcheme for the payment of all his debts without money.—That the Italian merchants to whom the pope was indebted ſhould draw bills in favour of their creditors in England, on all the rich biſhops, abbots, and priors, in that kingdom, for certain large ſums of money, alleged to have been lent by

Bills of exchange.

them to theſe prelates for the uſe of their reſpective churches: that theſe bills ſhould all be ſent to the pope's legate in England, who ſhould compel the prelates to accept and pay them, by threats of eccleſiaſtical cenſures. This iniquitous ſcheme was adopted by the king; and the biſhop was ſent to Rome to procure the pope's conſent and concurrence. Theſe were eaſily procured: the bills, to the amount of 150,540 marks, were drawn and preſented; and the prelates, after many remonſtrances, were compelled to pay them, by threats of excommunication [69]. The anſwer of the pope to the biſhop, when he had explained his ſcheme to him, affords a curious ſpecimen of the morality of the infallible head of the church in the thirteenth century: "Go (ſaid his holineſs), my "deareſt friend and brother, and do what ſeemeth "beſt to your own induſtry, which I very much "commend [70]." As mercantile tranſactions increaſed, the uſe of bills of exchange became more common; and a law was made A. D. 1381, encouraging, or rather commanding, the uſe of them, in making remittances to foreign countries [71].

Money. Money or coins are of ſo much uſe in commerce, that the ſtate of them muſt be briefly delineated in every period of this work. As none of our writers who flouriſhed in the thirteenth or fourteenth century make mention of living money, we may conclude, that coins made of the precious

69 M. Paris, Hiſt. Ang. p. 612. 70 Id. ibid.
71 Statutes, A. D. 1381. chap. 2.

metals

metals were now become the only repreſentatives of all commodities. It is only money of that kind therefore with which we are here concerned.

Changes in the coin.

The coins of both the Britiſh kingdoms continued in the ſame ſtate in which they had been in the former period, during the whole of the thirteenth, and ſome part of the fourteenth century [72]. Edward III. made a very material alteration in the ſtate of the coin of England A. D. 1346, by commanding 22 s. 6 d. to be coined out of the tower pound of ſilver. By this regulation the weight of the ſilver penny, which was ſtill the largeſt real coin, was reduced from 22½ to 20 Troy grains, and the pound to 51 s. 8 d. of our money [73]. The ſame prince made a ſtill greater change A. D. 1351, by coining groats and half-groats, the groats weighing 72 Troy grains, and 60 of theſe groats making a nominal pound ſterling, containing only as much ſilver as 46 s. 6 d. of our money [74]. This ſecond diminution of the weight of the coin is ſaid to have been made by the perſuaſion of William Edington biſhop of Wincheſter, and treaſurer of England [75].

Gold coin.

The coinage of gold was one of the greateſt alterations made by Edward III. in the ſtate of the coin. By the advice of his council, A. D. 1344, January 20, he commanded florins of gold to be coined, and to paſs for 6 s. half florins for 3 s. and

72 See vol. 6. chap. 6. p. 294—298.

73 Martin Folkes on Engliſh Silver Coins, p. 11.

74 Rym. Fœd. tom. 5. p. 708.

75 Stow Annal. p. 251. T. Walſing. p. 169.

quarter

quarter florins for 1s. 6d. of the money of that time [76]. But Edward, aiming at too much profit by this coinage, had ſet too high a value upon theſe pieces, which prevented their currency. To remedy this, he coined that ſame year gold nobles, half nobles, and farthing nobles, the noble to paſs for 6s. 8d. the half noble 3s. 4d. and the farthing noble for 1s. 8d. which he made known by a proclamation, dated 9th July A. D. 1344, commanding thoſe coins to be taken in payment at theſe rates [77]. By another proclamation, dated Auguſt 20, the ſame year, he commanded all the gold of the firſt coinage to be brought to the mint, and ſold for its real value [78]. In the firſt coinage a pound of gold was rated at 15 pounds of ſilver, in the ſecond only at 13l. 3s. 4d. [79]. This coin was called a noble, either on account of its value and beauty, being the largeſt and faireſt then known, or on account of the honourable occaſion on which it was ſtruck, the great naval victory over the French, obtained by Edward in perſon, A. D. 1340: for on that coin Edward appears completely armed, in a ſhip, with a naked ſword in his right hand. Theſe nobles, half and quarter nobles, continued to be the chief gold coins of England to the end of this period.

Method of coining.

The method of coining money in this period was very ſimple. The metal was caſt from the melting-

76 Rym. Fœd. tom. 5. p. 403. 77 Id. ibid. p. 416.
78 Id. ibid. p. 424.
79 Stephen Martin Leake's Hiſtory of Engliſh Money.

pot

pot into ſheets or long thin bars; theſe were cut with ſhears into ſquare pieces of exact weights, according to the ſpecies of coin intended: theſe pieces were formed into a round ſhape by the hammer, after which thoſe of ſilver were blanched or made white by boiling; and, laſt of all, they were ſtamped or impreſſed by a hammer, which finiſhed the operation [80].

Royal exchange.

It was not ſo eaſy a matter, in the times we are now conſidering, to exchange gold and ſilver coins for each other as it is at preſent; and therefore Edward III. and ſeveral of his ſucceſſors, took this office into their own hands, to prevent private extortion, as well as for their own advantage: and they performed it, by appointing certain perſons, furniſhed with a competent quantity of gold and ſilver coins, in London and other towns, to be the only exchangers of money, at the following rate. When theſe royal exchangers gave ſilver coins for a parcel of gold nobles, for example, they gave one ſilver penny leſs for each noble than its current value; and when they gave gold nobles for ſilver coins, they took one penny more, or 6s. 9d. for each noble; by which in every tranſaction they made a profit of $1\frac{1}{5}$ per cent. [81]. Theſe royal exchangers had alſo the excluſive privilege of giving the current coins of the kingdom in exchange for foreign coins, to accommodate merchant-ſtrangers, and of purchaſing light money for the uſe of the

[80] Stephen Martin Leake's Hiſtory of Engliſh Money, p. 76.
[81] Rym. Fœd. tom. 5. p. 416.

mint.

mint. As ſeveral laws were made againſt exporting Engliſh coins [82], the king's exchangers at the ſeveral ſea-ports furniſhed merchants and others who were going beyond ſeas, with the coins of the countries to which they were going, in exchange for Engliſh money, according to a table which hung up in their offices for public inſpection [83]. By theſe various operations they made conſiderable profits, of which the king had a certain ſhare. The houſe in which the royal exchanger of any town kept his office was called *the Exchange*; from which, it is probable, the public ſtructures where merchants meet for tranſacting buſineſs derive their name.

Clipping, &c. prevailed.

The crimes of clipping and counterfeiting the current coin of England, and of importing baſe money of various denominations, as pollards, crokards, mitres, leonines, roſaries, ſtaldings, ſteepings, and eagles, prevailed very much in the preſent period, though ſeveral ſevere laws were made againſt them [84]. The Jews are ſaid to have been remarkably guilty of theſe pernicious practices; and their guilt muſt have been very great indeed, if it was equal to their puniſhment: for no fewer than 280 of them were put to death for theſe crimes, in one year (1279), in London alone, beſides many others in other parts of Eng-

[82] Statutes, 9th Ed. III. chap. 1. 9, 10, 11.

[83] Rym. Fœd. tom. 4. p. 500. Statutes, 9th Ed. III. chap. 7.

[84] Statutes, 20th Ed. I. ann. 1292; 27th Ed. I. ann. 1299; 9th Ed. III. chap. 2.

land.

land [85]. At the ſame time all the goldſmiths in the kingdom were ſeized and thrown into priſon, on ſuſpicion of being guilty of the ſame crime [86].

State of the coin of Scotland.

Though the difference in weight between a real pound of ſilver and a nominal pound in coin ſeems to have commenced in both the Britiſh kingdoms nearly about the ſame time, yet that difference ſoon became conſiderably greater in Scotland than in England. The following proclamation, iſſued by Edward III. A. D. 1355, is an unqueſtionable evidence of both theſe facts: "The ancient "money of Scotland was, till theſe times, of the "ſame weight and alloy as our ſterling money of "England; and therefore did always paſs current "in England. But becauſe new money of the "ſame form and denomination with the old, but "of inferior weight and fineneſs, hath been lately "coined in Scotland, and is current in our king-"dom, it is neceſſary to prevent this, which "would be a manifeſt loſs to our people. We "command, therefore, that proclamation be made, "in all cities, towns, &c. That none of our ſub-"jects take that new money of Scotland in pay-"ment, except for its real value as bullion to be "brought to our mint; and that the old money "ſhall have the ſame currency as uſual [87]." How much this new money of Scotland differed from Engliſh money, we are not informed; but it is

85 Anderſon's Hiſt. Com. vol 1. p. 129. T. Walſing. Hiſt. Angl. p. 48. Hemingford. Hiſt. Ed. I. p. 6.

86 T. Wykes Chron. ann. 1279.

87 Rym. Fœd. tom. 5. p. 813.

probable

probable the difference was not very perceptible, ſince a royal proclamation was neceſſary to put the people upon their guard againſt taking it in payment. But the difference increaſed ſo faſt, that before the end of the century, the coins of Scotland were not above half the value of thoſe of England of the ſame denomination. This appears from the 12th chapter of the ſtatutes made at Weſtminſter, A. D. 1390,—"The groat of Scot-"land ſhall paſs only for two pence in England; "the half-groat for one penny, the penny for a "half-penny, and the half-penny for a far-"thing[88]."

High intereſt of money.

The high premiums that were uſually paid for the uſe of money borrowed, muſt have been a great obſtruction to trade in this period. The church of Rome ſtill continued to prohibit lending money on intereſt, declaring it to be uſurious and heretical. Though this could not prevent ſuch tranſactions, it prevented their being regulated by law; and therefore the rate of intereſt varied according to the neceſſities of the borrower, the avarice of the lender, and many other circumſtances. It hath been already obſerved, that the Caurſini, who were agents for the pope in England, ſometimes extorted no leſs than ſixty per cent. per annum. For this, it is true, they were excommunicated by Roger biſhop of London, A. D. 1235; but they were protected by the pope, who, ſays the hiſtorian, was ſuſpected of being their

[88] Statutes, 14th Richard II. ch. 12.

accom-

accomplice; and none, we may preſume, who had not ſo powerful a protector, would have dared to be guilty of ſuch intolerable extortion [89]. In general, therefore, we may be certain, that the premium demanded for the uſe of money was commonly much lower, moſt probably about twenty per cent. per annum, or under [90]. In the marriage-contract of Margaret daughter of Alexander III. king of Scotland, with Eric king of Norway, A. D. 1281, it is ſtipulated, that if any part of the princeſs's fortune (which was 14,000 marks) was not paid at the terms agreed upon, the king of Norway ſhould be immediately put in poſſeſſion of eſtates in Scotland, as a ſecurity for the money, and for payment of the intereſt; and that an eſtate given him in ſecurity for a thouſand marks ſhould yield at leaſt one hundred marks of yearly rent, being an intereſt of ten per cent. per annum [91]. But as this was an amicable tranſaction between two princes, contracting a near alliance, and the ſecurity was a real eſtate, it is probable, that the intereſt was much lower than the ordinary rate exacted by private money-lenders on perſonal ſecurity. It may be obſerved, in paſſing, that the greatneſs of the portion of this princeſs is one proof, amongſt many others, that the wealth of Scotland, bore a much greater proportion to that of England before the death of Alexander III. than ever it did after that fatal event.

89 M. Paris, p. 286. 90 Anderſon's Hiſt. Com. v. 1. p. 142.
91 Rym. Fœd. tom. 2. p. 1080.

So

Comparative value of money, and expence of living.

So much hath been ſaid in the 6th chapter of the 3d book of this work, concerning the comparative value of money, and expence of living, in the eleventh and twelfth centuries, and in the preſent times, that it will not be neceſſary to ſay much on theſe ſubjects here, as no very remarkable change in theſe particulars ſeems to have taken place in the preſent period [92]. To near the middle of the fourteenth century, a nominal pound ſterling in coin was a real pound of ſilver, or about three of our nominal pounds; and the ſame quantity of ſilver, as an ounce, or a pound, would have then purchaſed as many of the neceſſaries of life, as five ounces, or five pounds, will do at preſent. That the above computation is not far from the truth, might be proved from many facts mentioned by our ancient hiſtorians: but the two following, it is hoped, will be thought ſufficient. One of theſe hiſtorians ſpeaking of ſir William de Liſle, the tyrannical ſheriff of Northumberland, A. D. 1256, ſays,—"He was rich, having an eſtate which was reckoned "worth one hundred and fifty pounds a-year [93]." According to the above computation, ſir William was as rich as a gentleman is at preſent who hath a clear eſtate of 2250 l. a year; who may indeed be called rich, though many private gentlemen are much richer. Another hiſtorian, who flouriſhed in the fourteenth century, acquaints us, that the ordinary ſalaries of curates, before the great peſtilence A. D. 1348, were four or five marks a-year; equi-

[92] See vol. 6. ch. 6. p. 302—307.

[93] M. Paris, p. 627.

valent,

valent, according to the above ſuppoſition, to forty or fifty pounds at preſent, which may be called the ordinary ſalaries of curates in our times [94]. It is true, indeed, that in the year after the peſtilence curates demanded ten or twelve pounds a-year: but theſe demands were owing to the great ſcarcity of clergymen; they were thought exorbitant, and were reſtrained by law [95].

Sailors and ſhips being the great inſtruments of foreign trade, the proſperity of every commercial country, eſpecially of an iſland, muſt depend very much on the multitude and dexterity of its ſailors, and the number and goodneſs of its ſhips. The Engliſh ſailors preſerved, through the whole of this period, that character of ſuperior ſkill in navigating their ſhips, and ſuperior courage in combating their enemies, which they had long poſſeſſed, and which they ſtill poſſeſs. This is evident from their exploits, and from the teſtimony of contemporary hiſtorians. The victory near Sluys, A. D. 1340, was certainly one of the greateſt ever obtained by the Engliſh over the French at ſea; that victory is ſaid to have been chiefly owing to the ſuperior dexterity of the Engliſh ſailors in the management of their ſhips [96]. The monk of Malmſbury, who wrote the hiſtory of Edward II. in whoſe reign he flouriſhed, gives the following character of Engliſh ſailors, A. D. 1315:—"Eng- Sailors.

94 H. Knyghton, col. 2600. 95 Id. ibid.
96 R. de Aveſbury, p. 54—56. T. Walſing. p. 148. Campbell's Lives of the Admirals, v. 1. p. 197.

"liſh ſhips viſit every coaſt; and Engliſh ſailors "excel all others, both in the arts of navigation, "and in fighting [97].

The ſhipping of England did not increaſe, but rather decreaſed, in this period.

It is difficult or rather impoſſible to diſcover the exact ſtate of the ſhipping of England in this period, at this diſtance of time, though we have ſome reaſon to think that it did not increaſe either in the ſize or number of ſhips, if it did not decreaſe. We learn from an authentic record, that the largeſt ſhip of war in England, A. D. 1304, had only a crew of forty men; and in the fleet of Edward III. at the ſiege of Calais, A. D. 1346, the complement of each ſhip, on an average, was only twenty men [98]. Some of the kings of England had very large fleets under their command in this period, which might make us imagine that ſhips were then very numerous. Edward III. at the above ſiege, had a fleet of ſeven hundred Engliſh, and thirty-eight foreign ſhips; and the ſame prince, when he invaded France A. D. 1359, is ſaid to have had no fewer than eleven hundred ſhips [99]. But theſe great fleets conſiſted of all the ſhips in all the ports of England, which, on ſuch emergencies, were impreſſed, together with their crews, into the king's ſervice. It appears from many of the preſs-warrants of thoſe times, that the perſons to whom the execution of them was committed, had authority, not only to ſeize all ſhips and veſſels, great

97 Mon. Malmſ. Vita Ed. II. an. 1315. p. 157.
98 Rym. Fœd. tom. 2. p. 943. Hakluyt's Voyages, p. 118.
99 Id. p. 121. Walſing. Ypodigma Neuſtriæ, p. 523.

and

and ſmall, in the ſeveral ports, but all that came in from ſea during the continuance of their commiſſion; to cauſe thoſe that were loaded to be immediately unloaded, though they had not reached their intended port, and to conduct the whole, with all their crews, to a certain place, for the king's ſervice [100]. Beſides all this, Edward III. called a kind of naval parliament, A. D. 1344, commanding each ſea-port to ſend a certain number of commiſſioners to London, to give him an exact account of the ſtate of ſhipping in his kingdom [101]. From this naval parliament, as well as from other evidences, it appears, that Yarmouth abounded more in ſhipping, at that time, than any other port in England, London perhaps excepted. For London and Yarmouth were required to ſend each four commiſſioners, while Briſtol, Newcaſtle, and other great trading towns, were required to ſend only two, and many others only one [102]. When all theſe circumſtances are conſidered, it ſeems not improbable, that our kings had ſometimes one half at leaſt of all the ſhips of England in their ſervice; particularly Edward III. when he invaded France A. D. 1359. But the complaints of the commons in parliament on this head, afford the cleareſt proof of the decreaſe of ſhipping; and it was to remedy this great evil, that the firſt navigation-act was made A. D. 1381, as appears from the pre-

[100] Rym. Fœd. tom. 5. p. 3. 6. 12. 23, 24. 243. 300. 304; tom. 6. p. 167. 169, &c.

[101] Id. tom. 5. p. 4, 5, 6.

[102] Id. ibid.

amble [103]. By that act all Engliſh merchants were commanded to freight none but Engliſh ſhips, under the penalty of forfeiting all the goods they embarked in foreign bottoms. But it was ſoon found that this act could not be executed without interrupting and diminiſhing the trade of native Engliſh merchants, and therefore permiſſion was granted, by another act, A. D. 1382, to freight foreign veſſels, when they could not procure Engliſh ſhips [104].

Cauſes of the decreaſe of ſhipping.

It is not difficult to diſcover the cauſes which prevented the increaſe, and even occaſioned a diminution of the ſhipping of England in this period. The chief cauſe of this unqueſtionably was, the great encouragement given to *merchant-ſtrangers*, who carried on a great part of the trade in foreign bottoms. The frequent ſeizure of Engliſh ſailors and ſhips by government, was alſo a diſadvantage, from which foreigners were exempted by the moſt ſolemn ſtipulations [105]. Upon the whole, the abounding of merchant-ſtrangers was more convenient to our kings (to whom they advanced great ſums of money) than beneficial to their ſubjects; and the violent clamour of the Engliſh againſt them was not ſo unreaſonable as it hath been repreſented by ſome of the hiſtorians of thoſe times.

Mariner's compaſs.

The ſailors of this period enjoyed a great advantage above their predeceſſors in the uſe of the mariner's compaſs, which encouraged them to

[103] Statutes at Large, an. 1381. [104] Id. A. D. 1382. ch. 8.
[105] Anonymi Hiſtoria Edwardi III. an. 1337.

venture more boldly on the open ſea, and to ſteer a more direct courſe to their intended port. The principles of that inſtrument were not quite unknown before this time, and ſome faint attempts had even been made to apply them to navigation; but a convenient method of doing it was not then diſcovered [106]. The honour of inventing the mariner's compaſs hath been given to ſeveral different perſons; but upon the whole it ſeems to be moſt probable, that the world is indebted for this moſt uſeful invention to Flavio de Gioca of Amalphi, who, about A. D. 1302, conſtructed a compaſs with only eight points, which was afterwards improved at different times and in different countries [107].

Few diſcoveries of unknown countries made in this period.

But notwithſtanding this advantage, few diſcoveries of unknown countries were made in this period, either by Britiſh or foreign ſailors. Nicolas de Lenna, a Carmelite friar, is ſaid to have made five voyages for diſcovery towards the north pole, in the reign of Edward III. and to have preſented a deſcription of the countries which he had diſcovered to that king; and it is alſo reported that one Macham an Engliſhman diſcovered the iſland of Madeira, A. D. 1344 [108]. But it muſt be confeſſed, that the relations we have of theſe diſcoveries are very imperfect, and in ſome particulars not very probable. Pope Clement VI. November

[106] See vol 6. p. 293. [107] Anderſon's Hiſt. Com. v. 1. p. 144.
[108] Campbell's Lives of the Admirals, v. 1. p. 252. Hakluyt, vol. 1. p. 121, 122, v. 2. part 2. p. 1.

15th, A. D. 1344, created Lewis of Spain king of the Fortunate Iſlands, ſuppoſed to be the Canaries, after his holineſs had preached a ſermon to prove, that he had the ſole right of creating kings and beſtowing kingdoms[109]. But ſo imperfect were the hints which had been received of theſe iſlands, that this new monarch was never able to diſcover in what part of the world his dominions were ſituated. The Canaries, however, were actually diſcovered A. D. 1395, by ſome Spaniſh and French adventurers; and this ſeems to have been the furtheſt point towards the ſouth-weſt to which any Europeans had proceeded by ſea, at the end of the fourteenth century[110].

[109] W. Hemingford, vol. 2. p. 376.
[110] Hakluyt, v. 2. part 2. p. 1.

THE

HISTORY

OF

GREAT BRITAIN.

BOOK IV.

CHAP. VII.

Hiſtory of the Manners, Virtues, Vices, remarkable Cuſtoms, Language, Dreſs, Diet, and Diverſions of the people of Great Britain, from the death of king John, A. D. 1216, *to the acceſſion of Henry* IV. A. D. 1399.

THE Romans, Saxons, Danes, and Normans, by their conqueſts and ſettlements in this iſland, made great and conſpicuous changes in the manners, cuſtoms, &c. of the inhabitants of thoſe parts of it in which they ſettled. Theſe changes have been deſcribed in their proper places in the preceding volumes of this work. But as no foreign nations made any conqueſts or ſettlements in any

Changes of manners, &c. not ſo great in this as in former periods.

part of Britain in the preſent period, the alterations in manners, &c. which then took place, were only ſuch as were naturally brought about by the inſtability of the humours, faſhions, circumſtances, and affairs of mankind, and by the gradual progreſs of ſociety. Theſe alterations, however, upon an attentive examination, will be found conſiderable and worthy of a brief delineation.

Sudden changes in manners, &c.

The manners and characters of nations ſometimes change very ſuddenly with their circumſtances. Of this we meet with ſeveral ſtriking examples in the hiſtory of England in the preſent period. The national character and manners of the Engliſh during the civil wars and great relaxation of the reins of government in the reign of Henry III. are thus deſcribed by a contemporary hiſtorian, A. D. 1267: "In theſe five "years paſt there have been ſo many battles, "both by land and ſea, ſo much ſlaughter and "deſtruction of the people of England, ſo many "devaſtations, plunderings, robberies, thefts, ſa-"crileges, perjuries, treacheries, and treaſons, "that the nation hath loſt all ſenſe of diſtinction "between right and wrong, virtue and vice. In "a word, ſuch hath been the inſignificancy of "the laws, through the weakneſs of the king, "that every one did whatever ſeemed good in "his own eyes[1]." No part of the national character of the Engliſh is more unqueſtionable than their valour; and yet (if we may believe the beſt

[1] Chron. T. Wykes, an. 1267. p. 33.

of

of our ancient hiſtorians) they were ſo much diſpirited by their great defeat at Bannockburn, A. D. 1314, that they loſt all their wonted courage for a ſeaſon, and degenerated into daſtardly poltroons. The conſternation of the Engliſh, on that occaſion, is painted by one of theſe hiſtorians in the following mournful ſtrain: "O day of vengeance "and misfortune, odious accurſed day, no longer "to be computed in the circle of the year, which "ſtained the glory of the Engliſh, ſpoiled us, and "enriched the Scots to the value of two hundred "thouſand pounds! How many illuſtrious barons "and valiant youths, how many noble horſes and "beautiful arms, how many precious veſtments "and golden veſſels, were carried off in one cruel "day [2]?" "At that time (ſays another of theſe "hiſtorians) many of the Engliſh fled to the Scots, "and joined with them in their invaſion of Nor-"thumberland, plundering towns and caſtles, de-"ſolating the whole country with fire and ſword, "and carrying away the wretched inhabitants into "captivity, with their horſes, herds, and flocks, "without meeting with any reſiſtance. For the "Engliſh at that time had ſo entirely fallen from "their ancient valour, that a hundred of them "uſed to fly at the approach of two or three "Scotch men [3]." But this eclipſe of the native bravery of the Engliſh was not of long duration, and nothing could be more unreaſonable, than to

[2] Monach. Malmſ. Vita Edwardi II.

[3] T. Walſing. p. 106.

form

form our opinion of the national character of any people from its appearance in a ſeaſon of anarchy or deſpair.

National characters not to be taken from ſome monkiſh hiſtorians.

Neither would it be ſafe to form our notions of the national character of the people of England in this period, from the pictures which are drawn of it by ſome of the monkiſh hiſtorians of thoſe times. The monk of Malmſbury, in particular, who wrote the life of Edward II. paints his countrymen and contemporaries in the blackeſt colours. "What advantage (ſays he) do we reap "from all our modern pride and inſolence? In "our days the loweſt pooreſt wretch, who is not "worth a halfpenny, deſpiſes his ſuperiors, and "is not afraid to return them curſe for curſe. "But this, you ſay, is owing to their ruſticity. "Let us ſee then the behaviour of thoſe who "think themſelves polite and learned. Where "do you meet with more abuſe and inſolence "than at court? There every one, ſwelling with "pride and rancour, ſcorns to caſt a look on his "inferiors, diſdains his equals, and proudly rivals "his ſuperiors. The ſquire endeavours to out-"ſhine the knight, the knight the baron, the ba-"ron the earl, the earl the king, in dreſs and "magnificence. Their eſtates being inſufficient "to ſupport this extravagance, they have re-"courſe to the moſt oppreſſive arts, plundering "their neighbours and ſtripping their dependents "almoſt naked, without ſparing even the prieſts "of God.—I may be cenſured for my too great "boldneſs, if I give an ill character of my own "country-

" countrymen and kindred; but if I may be per-
" mitted to ſpeak the truth, the Engliſh exceed
" all other nations in the three vices of pride,
" perjury, and diſhoneſty. You will find great
" numbers of this nation in all the countries
" waſhed by the Greek ſea; and it is commonly
" reported that they are infamous over all theſe
" countries for their deceitful dealings [4]." But we muſt remember, that this picture was drawn by a peeviſh monk, in very unhappy times, when faction raged with the greateſt fury, both in the court and country.

Nor from enemies.

Nor would it be proper to take the national character of the people of Britain, in this period, from their contemporaries on the continent. The French were enemies to the Engliſh; and the Italians of thoſe times affected to conſider all other nations as barbarians. Even the illuſtrious Petrarch, the politeſt ſcholar, as well as the greateſt poet, of the fourteenth century, could not diveſt himſelf of this prejudice. " In my youth (ſays
" he), the inhabitants of Britain, whom they call
" Engliſh, were the moſt cowardly of all the bar-
" barians, inferior even to the vile Scots [5]." Sir John Froiſſart, famous for his frankneſs and ſincerity, who was well acquainted with the Engliſh, doth juſtice to their valour on many occaſions; but blames them for their inſolent and diſguſting

4 Monach. Malmſ. an. 1315. p. 153. 160.

5 Petrarchi Opera, Epiſt. Famil. l. 22. Ep. 3. Memoires pour la Vie de Petrarque, tom. 3. p. 553.

behaviour to the people of other nations. "When "I was at Bourdeaux, a little before the depar- "ture of the prince of Wales on his expedition "into Spain, I obſerved, that the Engliſh were ſo "proud and haughty, that they could not behave "to the people of other nations, with any appear- "ance of civility. Even the gentlemen of Gaſ- "cony and Aquitaine, who had loſt their eſtates "in fighting for them, could not obtain the "ſmalleſt place of profit from them, being con- "ſtantly told, that they were unfit for, and un- "worthy of, preferment. By this treatment they "loſt the love, and incurred the hatred of theſe "gentlemen; which they diſcovered as ſoon as "an opportunity offered. In a word, the king "of France gained theſe gentlemen, and their "countries, by his liberality and condeſcenſion, "and the Engliſh loſt them by their haughti- "neſs[6]." This character was written by a Frenchman, not long after the glorious victory of Poictiers; on which we need not wonder that the Engliſh were elated. But though ſome de- gree of haughtineſs in ſuch circumſtances may be excuſable, it is always offenſive and imprudent. Sir John Froiſſart's character of the Scots is ſtill more unfavourable. When John de Vienne, ad- miral of France, conducted a gallant troop of one thouſand knights and eſquires, the very flower of chivalry, into Scotland, A. D. 1385, to excite and aſſiſt the Scots to invade England, the no-

[6] Froiſſart, tom. 3. ch. 20. p. 75.

blemen

blemen and gentlemen of that troop complained bitterly of the poverty of the country, and of the rudeneſs and incivility of the people. "The "Scots (ſays he), being naturally fierce and un- "poliſhed, hated and deſpiſed the French, and "gave them the moſt contemptuous names they "could invent. For in Scotland there is little "or no politeneſs, the people in general being a "kind of ſavages, envying the riches of others, "and tenacious of their own poſſeſſions[7]." But it plainly appears, that the Scots at that time did not wiſh to renew the war with England, in the courſe of which their country had been almoſt ruined and depopulated. This made theſe French auxiliaries very unwelcome gueſts: and their own inſolent rapacious behaviour did the reſt. We have even reaſon to ſuſpect, that there never was any cordial friendſhip between the Scots and French; and that their common dread of the Engliſh was the only cement of their union.

Corruption of the papal court.

Religion, and the characters of its miniſters, have a conſiderable influence on the manners of mankind in all ages. Their influence in this period was moſt pernicious. Nothing could be more corrupt, and unfriendly to virtue, than that ſyſtem of Chriſtianity that then prevailed in Britain, and all the nations of Europe, except the lives of the generality of its teachers. It is impoſſible to read without horror the deſcriptions given by Petrarch (who was himſelf a prieſt), of

7 Froiſſart, tom. 2. ch. 160. p. 282.

the

the profligacy of the papal court in the fourteenth century, while it reſided at Avignon. If there be any truth in theſe deſcriptions, of which we have no reaſon to doubt, that city was then the moſt odious unhallowed ſcene that ever the ſun beheld. "You imagine (wrote he in a letter to a friend) "that the city of Avignon is the ſame now that "it was when you reſided in it:—No; it is very "different.—It was then, it is true, the worſt and "vileſt place on earth; but it is now become a "terreſtrial hell, a reſidence of fiends and devils, "a receptacle of all that is moſt wicked and "abominable. What I tell you is not from hear-"ſay, but from my own knowledge and expe-"rience. In this city there is no piety, no re-"verence or fear of God, no faith or charity, "nothing that is holy, juſt, equitable, or humane. "Why ſhould I ſpeak of truth, where not only "the houſes, palaces, courts, churches, and the "thrones of popes and cardinals, but the very "earth and air, ſeem to teem with lies. A fu-"ture ſtate, heaven, hell, and judgment are "openly turned into ridicule, as childiſh fables. "Good men have of late been treated with ſo "much contempt and ſcorn, that there is not "one left amongſt them to be an object of their "laughter[8]." To confirm the truth of theſe and other reproaches no leſs ſevere, Petrarch relates ſeveral curious anecdotes of the diſſimulation and debauchery of the cardinals, which

[8] Fran. Petrarch. Epiſt. ſine titulo, lib. 1. p. 7. 10, &c.

are

are too indelicate to be admitted into this work [9].

When the manners of popes, cardinals, court-prelates, and their retainers, were ſo corrupted, thoſe of the clergy in general could not be pure; eſpecially when (as we are aſſured by the ſame author) the more wicked any one was, the more certain he was of preferment in the church [10]. Accordingly we find, that the vices of the clergy were the chief ſubjects of ſatire in every country in Europe, and particularly in England, in the fourteenth century. The poems of Chaucer abound in ſuch ſatire; and the Plowman's Tale is one continued invective againſt the clergy for their groſs ignorance, cruelty, covetouſneſs, ſimony, vanity, pride, ambition, drunkenneſs, gluttony, lechery, and other vices; of which the following are a few examples:

Profligacy of the clergy.

Suche as can nat yſay ther crede,
With prayer ſhul be made prelates;
Nother canne thei the goſpell rede,
Suche ſhul now weldin hie eſtates.

Their groſs ignorance.

There was more mercy in Maximine
And Nero, that never was gode,
Than there is now in ſome of them,
Whan he hath on his furred hode.

Cruelty.

They halowe nothing but for hire
Ne churche, ne font, ne veſtement;
They layith out thir large nettes,
For to takin ſilver and golde.

Covetouſneſs.

[9] Fran. Petrarch. Epiſt. ſine titulo, lib. 1. p. 7. 10, &c.
[10] Id. ibid.

Thei

Thei fillen coffers and ſackes fettes
There as they catchen ſoules ſholde.

Simony.

Ne uſin thei no ſimonie
But ſelle churches and priories.
—With purſe they purchaſe parſonage.

Vanity in dreſs.

Of ſcarlet and grene gaie gounes,
That mote be ſhapen for the newe,
To clippen and kiſſen in townes
The domoſiles that to the daunce ſewe,
Cuttid clothis to ſewe ther hewe,
With long pikis on ther ſhone,
Or Gode's goſpel is not true,
Either thei ſerve the devill or none.

Pride.

Lordes alſo more to them loute,
Obeyſaunt to ther brode bleſſing,
Thei reiden with ther royal route
On a courſir as it were a king,
With ſadle of golde glittering,
With curious harneis quaintly crallit [11],
Stiroppis gaie of golde maſtling [12].

Ambition and tyranny.

Theſe han more might in Englande here,
Than hath the king and all his lawe;
Thei han purchaſed ſuch powere
To takin 'hem whom liſt not knawe.
The king'is law wol no man deme
Angerlich, withoutin anſwere;
But if any man theſe miſqueme,
He ſhall be baighted as a bere.

Luxury.

Thei ſide of many manir metes,
With ſong and ſolas ſittin long;
And filleth ther wombe, and faſt fretes [13],
And from the mete unto the gong [14].

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[11] Crallit, engraved.
[12] Maſtling, ſhining.
[13] Faſt fretes, eat voraciouſly.
[14] Gong, a jakes.

And

And after mete with harp and ſong,
And hot ſpices ever among;
And fille their wombe with wine and ale.

Lechery.

Mennis wivis thei wollin hold,
And though that thei bin right ſory,
To ſpeke thei ſhull not be ſo bold,
For ſompning to the conſiſtory,
And make them ſaie with mouthe I lie,
Though thei it ſawin with ther eye,
His lemman holden openly,
No man ſo hardy to aſke why.

Other vices.

They uſe horedom and harlottrie,
And covetiſe, and pompe, and pride,
And ſloth, and wrathe, and eke envie,
And ſiwine tinne by every ſide.
As Goddes godines no man tell might,
Ne write, ne ſpeke, ne think in thought,
So ther falſhed, and ther unright,
Maie no man tell that ere God wrought [15].

The times of Antichriſt believed to be at hand.

The diſſoluteneſs of the clergy in our preſent period was ſo conſpicuous, that it gave riſe to an opinion that univerſally prevailed, that the times of Antichriſt were drawing near. "It is believed by all wiſe men (ſays Roger Bacon), "that the times of Antichriſt are near at hand [16]." Dr. Nicholas Orem, a celebrated preacher, in a ſermon before the pope and cardinals, A. D. 1364, propoſed to prove that Antichriſt would ſhortly make his appearance in the world, from the following ſigns of his approach.—1. The Chriſtian church was become more corrupt than that of the

15 Chaucer's Works, publiſhed by Urry, p. 179—189.
16 Bacon, Opus Majus, p. 254.

Jews was in the days of Chriſt, of which he gave many examples.—2. The great inequality in the ſtate of the Chriſtian clergy, "of whom ſome be "ſo high that they exceed all princes of the "earth; ſome again be ſo baſe, that they are "under all raſcals."—3. The pride of prelates, which doth excite indignation in many, and reſpect only in few.—4. The intolerable tyranny of the governors of the church, which was ſo violent that it could not be laſting.—5. The promoting the moſt vicious and unworthy in the church, and neglecting the moſt worthy.—6. The princes and rulers of the church hate them that tell them truth, and refuſe to hear their faults [17]. Even Petrarch, though he doth not ſeem to have had any ſcruples about the doctrines and ceremonies of the church, was ſo much ſhocked at the groſs corruption of manners in the papal court, that he applied the predictions in the book of the Revelations of St. John, relating to Babylon, the mother of harlots, and abominations of the earth, to the city of Avignon, which was then the reſidence of the pope and cardinals [18]. At length Dr. John Wickliff in England, and ſeveral eminent perſons in other parts of Europe, openly affirmed, that the pope was Antichriſt; and that it was the duty of emperors, kings, princes, and nobles, to reſume the lands and donations that had been granted to the church by their anceſtors, for the ſupport of

[17] Fox's Acts and Monuments, p. 383, &c.
[18] Revelat. chap. 17. Petrarchi Opera, edit. Baſil. p. 729.

the

the clergy; becauſe they were poſſeſſed by Antichriſt and his miniſters [19].

Profligacy of the clergy corrupted the laity.

This too general profligacy of the clergy could not fail to have an ill effect on the manners of the laity. For the clergy in thoſe times poſſeſſing immenſe wealth and great power, had many followers and dependents, who were no doubt ready enough to imitate their example, to flatter them in their vices, and to miniſter to their pleaſures. We have reaſon therefore to ſuſpect, that the laity in general were not more virtuous than their teachers, though, from the difference of their circumſtances, their vices were in ſome reſpects different. The cruel unnatural law of the celibacy of the clergy, for example, involved many of that body in various vices, to which the laity had not the ſame temptations.

Religion ſtrongly tinctured with ſuperſtition.

But though there is ſufficient evidence that rational religion and real virtue did not greatly flouriſh among the people of Britain in the thirteenth and fourteenth centuries, we muſt not imagine that the national virtues which prevailed in their anceſtors were now quite extinct in their poſterity [20]. No! they ſtill poſſeſſed the ſame kind of piety, ſtrongly tinctured with ſuperſtition, and would have been no leſs liberal to the church than their forefathers, if they had not been reſtrained by laws, which they laboured to elude. A paſſion for holy wars, pilgrimages, relics, &c.

19 Hen. Knyghton, col. 2707. T. Walſing. p. 191.
20 See vol. 6. p. 333—342.

was alſo very general, and eſteemed one of the ſtrongeſt evidences of eminent piety. Henry Spencer, the warlike biſhop of Norwich, raiſed a great army in England, and conducted it to the continent, A. D. 1383, to ſupport the election of pope Urban VI. and put to death all the adherents of his antagoniſt Clement VII. The bulls of Urban, promiſing a plenary remiſſion of their ſins, and a place in paradiſe, to all who fought in his cauſe, or contributed money to ſupport it, were the chief inſtruments employed to raiſe that army, and to collect money for its pay, and the other expences of that holy war[21]. "As ſoon "(ſays the hiſtorian) as theſe bulls were pub-"liſhed in England, the whole people were tranſ-"ported with joy, and thought that the oppor-"tunity of obtaining ſuch ineſtimable graces was "not to be neglected[22]." Pilgrimages were frequently and univerſally performed by perſons of all ranks; and thoſe that were longeſt and moſt dangerous were believed to be moſt meritorious. That an exceſſive veneration for relics was no leſs univerſal, is evident from the following curious tranſaction, recorded by an eye-witneſs. Henry III. ſummoned all the great men of the kingdom, A. D. 1247, to come to London on the feſtival of St. Edward, to receive an account of a certain ſacred benefit which heaven had lately beſtowed on England. The ſingular ſtrain of this ſummons excited the moſt eager curioſity, and brought

[21] T. Walſing. p. 297. [22] Id. idid.

great

great multitudes to London at the time appointed. When they were aſſembled in St. Paul's church, the king acquainted them, that the great maſter of the knights-templars had ſent him, by one of his knights, a phial of cryſtal, containing a ſmall portion of the precious blood of Chriſt, which he had ſhed upon the croſs for the ſalvation of the world, atteſted to be genuine by the ſeals of the patriarch of Jeruſalem, of ſeveral archbiſhops, biſhops, abbots, and other great men of the Holy Land. This, he informed them, he deſigned to carry the next day, in ſolemn proceſſion, to Weſtminſter, attended by them, and by all the clergy of London, in their proper habits, with their banners, crucifixes, and wax candles; and exhorted all who were preſent to prepare themſelves for that ſacred ſolemnity, by ſpending the night in watching, faſting, and devout exerciſes. On the morrow, when the proceſſion was put in order, and ready to ſet forward, the king approached the ſacred phial, with reverence, fear, and trembling, took it in both his hands, and holding it up higher than his face, proceeded under a canopy, two aſſiſtants ſupporting his arms. Such was the devotion of Henry on this occaſion, that though the road between St. Paul's and Weſtminſter, was very deep and miry, he kept his eyes conſtantly fixed on the phial, or on heaven. When the proceſſion approached Weſtminſter, it was met by about one hundred monks of that abbey, who conducted it into the church, where the king depoſited the venerable relic, which

(ſays the hiſtorian) made all England ſhine with glory, dedicating it to God and St. Edward, to the church of St. Peter's Weſtminſter, and the monks of that abbey[24]. An aſtoniſhing diſplay of miſtaken piety, or rather of the moſt ſottiſh ſuperſtition and credulity!

Valour. Courage and bravery may very ſafely be reckoned among the national virtues of both the Britiſh nations in this period; of which the hiſtory of their martial atchievements affords the cleareſt proofs. The two glorious victories of Creſſy and Poictiers are inconteſtible evidences of the heroic valour of the Engliſh; and the obſtinate invincible fortitude with which the Scots aſſerted the independency of their country, againſt the repeated efforts of their too powerful neighbours to ſubdue them, is a demonſtration that they were then a brave and valiant people.

Generoſity. A noble ſpirit of liberality and munificence prevailed in this period, eſpecially among the great martial barons; of which it may be proper to give one example: the lord James Audeley, one of the firſt knights of the garter, obtained permiſſion from the prince of Wales to begin the battle of Poictiers; and, attended by his four faithful eſquires, performed prodigies of valour. As ſoon as the action was over, and the victory complete, the prince inquired for the lord Audeley; and being informed that he lay dangerouſly wounded at a little diſtance, commanded,

[24] M. Paris, an. 1247, p. 493, col. 2.

if

if it could be done with ſafety, to bring him to his tent. When lord Audeley, carried in a litter, entered, the prince embraced him in the moſt affectionate manner; declared, that he had been the beſt doer in arms in the buſineſs of that day; and made him a grant of five hundred marks yearly (equivalent to about 8000 l. at preſent), as a reward of his valour. Lord Audeley accepted this noble grant with the warmeſt expreſſions of gratitude; but as ſoon as he was carried to his own tent, he beſtowed it on his four brave and faithful eſquires, without reſerving any ſhare of it to himſelf. The prince applauded this generous action, and rewarded it with another grant of ſix hundred marks a-year [25]. The generoſity of thoſe times was not always ſo wiſely directed, but often degenerated into vain abſurd extravagance. Alexander III. king of Scotland, being preſent at the coronation of Edward I. rode to Weſtminſter, attended by one hundred knights, mounted on fine horſes, which they let looſe, with all their furniture, as ſoon as they alighted, to be ſeized by the populace as their property. In this he was imitated by the earls of Lancaſter, Cornwall, Glouceſter, Pembroke, and Warrenne, who each paid Edward the ſame expenſive unprofitable compliment [26]. The extravagant ruinous liberalities of Henry III. and Edward II. are ſo well known, that they need not be mentioned.

[25] Froiſſart, tom. 1. ch. 165. 167.
[26] H. Knyghton, col. 2461.

Hoſpitality.

An almoſt unlimited hoſpitality reigned in the palaces of princes, and the caſtles of great barons, in the times we are now delineating. The courts of ſome of the kings of England in this period are ſaid to have been ſplendid and numerous, to a degree that is hardly credible, and of which no examples have been ſeen for ſeveral centuries. That of Richard II. is thus deſcribed by an hiſtorian of the greateſt integrity: "His royalty "was ſuch, that whereſoever he lay, his perſon "was guarded by two hundred Cheſhiremen; he "had about him thirteen biſhops, beſides barons, "knights, eſquires, and other moe than needed; "inſomuch, that to the houſhold came every day "to meat ten thouſand people, as appeared by "the meſſes told out of the kitchen to three hun-"dred ſervitors, &c.[27]" We may form ſome idea of the magnificence and hoſpitality of the opulent and powerful barons of thoſe times, from an account of the houſhold expences of Thomas earl of Lancaſter for A. D. 1313[28]. From that account it appears, that this great earl expended in houſe-keeping that year no leſs than 7,309 l. containing as much ſilver as 21,927 l. equal in efficacy to 109,635 l. of our money at preſent. The ſurpriſing cheapneſs of ſome of the articles in that account gives us reaſon to think, that it would even require a much greater ſum than 109,635 l. to purchaſe an equal quantity of pro-

27 Stow's Annals, p. 323.

28 Anderſon's Hiſtory of Commerce, an. 1313.

viſions

viſions at this time. The pipe of French wine coſt only 17 s. which, according to the above computation, was equivalent to 4 l. 5 s. of our money; a very inconſiderable part of its price at preſent. We may judge alſo of the grandeur and hoſpitality with which this earl lived, and of the immenſe quantities of proviſions of all kinds that were conſumed in his family in one year, from the quantity of wine, which was no leſs than three hundred and ſeventy-one pipes [29]. Other earls and barons in general ſpent almoſt all their revenues, and the produce of their large domains, in hoſpitality at their caſtles in the country, which were ever open to ſtrangers of condition, as well as to their own vaſſals, friends, and followers. This profuſe expenſive hoſpitality, it would ſeem, began to decline a little towards the concluſion of this period; and ſome barons, inſtead of dining always in the great hall with their numerous dependents, according to ancient cuſtom, dined ſometimes in private parlours, with their own families, and a few familiar friends. But this innovation was very unpopular, and ſubjected thoſe who adopted it to much reproach [30].

A ſplendid oſtentatious kind of gallantry, expreſſive of the moſt profound reſpect and higheſt admiration of the beauty and virtue of the ladies, was ſtudied and practiſed by the martial barons, knights, and eſquires of this period. This gal- Romantic gallantry.

[29] Anderſon's Hiſtory of Commerce, an. 1313.
[30] Warton's Hiſt. of Poetry, vol. 1. p. 276.

lantry appeared in its greateſt luſtre at royal tournaments, and other grand and ſolemn feſtivals, at which the ladies ſhone in their brighteſt ornaments, and received peculiar honours. When Edward III. A. D. 1344. celebrated the magnificent feaſt of *the round table*, at Windſor, to which all the nobility of his own dominions, and of the neighbouring countries, had been invited, queen Philippa, and three hundred ladies, illuſtrious for their birth and beauty, uniformly dreſſed in the richeſt habits, adorned that ſolemnity, and were treated with the moſt pompous romantic teſtimonies of reſpect and admiration [31]. Many of the moſt magnificent tournaments of thoſe times were the effects of this kind of gallantry, and were deſigned for the honour and entertainment of the ladies, who appeared at theſe ſolemnities in prodigious numbers, and from different countries [32]. Sometimes a few brave and gallant knights publiſhed a proclamation in their own, and in ſeveral other countries, aſſerting the ſuperior beauty and virtue of the ladies whom they loved; and challenging all who dared to diſpute that ſuperiority, to meet them at a certain time and place to determine the important controverſy by combat [33]. Theſe challenges were conſtantly accepted, and produced tournaments, to which princes, knights, and ladies of different nations crowded. This romantic gallantry diſ-

[31] Walſing. p. 164. Froiſſart, tom. 1. ch. 101. p. 116.
[32] Id. ibid. p. 107. [33] Id. tom. 4. p. 20, 90.

played

played itſelf in times of war, as well as peace, and amorous and youthful knights fought as much for the honour of their miſtreſſes as of their country. A party of Engliſh and a party of French cavalry met near Cherburg A. D. 1379, and immediately prepared for battle. When they were on the point of engaging, ſir Lancelot de Lorres, a French knight, cried aloud, that he had a more beautiful miſtreſs than any of the Engliſh. This was denied by ſir John Copeland, who run the Frenchman through the body with his ſpear and laid him dead at his feet [34]. When Edward III. raiſed a great army to aſſert his claim to the crown of France, a conſiderable number of young Engliſh gentlemen put each of them a patch upon one of his eyes, making a ſolemn vow to his miſtreſs, that he would not take it off till he had performed ſome notable exploit in France, to her honour; and theſe gentlemen (ſays Froiſſart) were much admired [35].

Chivalry.

The revival of chivalry by Edward I. and Edward III. contributed not a little to promote valour, munificence, and this ſplendid kind of gallantry, among perſons of condition, who aſpired to the honours of knighthood, which were then objects of ambition to the greateſt princes. An ingenious writer, who had ſtudied this ſubject with the greateſt care, affirms poſitively, that "all the "heroic virtues which then exiſted in the ſeveral "ſtates of chriſtendom, were the fruits of chi-

[34] Froiſſart, tom. 2. p. 50. [35] Id. tom. 1. ch. 29.

"valry."

"valry[36]." This aſſertion may be too ſtrong; but it cannot be denied, that the ſpirit and the laws of chivalry were friendly to the cauſe of virtue. By theſe laws none but perſons of unſullied characters could obtain the honours of knighthood, which were conferred with much ſolemnity, on the moſt public occaſions, and in the preſence of the moſt auguſt aſſemblies. After the candidate had given ſufficient proofs of his proweſs, and other virtues, to merit that diſtinction, and had prepared himſelf for receiving it, by faſting, confeſſing, hearing maſſes, and other acts of devotion, he took an oath conſiſting of twenty-ſix articles, in which, amongſt other things, he ſwore, that he would be a good, brave, loyal, juſt, generous, and gentle knight, a champion of the church and clergy, a protector of the ladies, and a redreſſer of the wrongs of widows and orphans[37]. Thoſe knights who acquitted themſelves of theſe obligations in an honourable manner, were favoured by the fair and courted by the great; but thoſe who were guilty of baſe diſhonourable actions, were degraded with every poſſible mark of infamy. All this could hardly fail to have ſome influence on the conduct of thoſe who were inveſted with that dignity; though, from the rudeneſs of the times, and the general diſſolution of manners which then prevailed, that influence was probably much leſs than might have been expected.

36 M. de la Curne De Sainte Palaye, ſur l'Ancienne Chevalrie, tom. 1. p. 215.

37 Id. ibid. part 2. p. 67—180.

Chivalry

Revived in England.

Chivalry declined in England during the inglorious reigns of king John and Henry III. but revived under Edward I. That prince was one of the moſt accompliſhed knights of the age in which he flouriſhed, and both delighted and excelled in feats of chivalry. It is a ſufficient proof of this, that when he was on his return from the Holy Land, after his father's death, and knew that his preſence was ardently deſired in England, he accepted an invitation to a tournament at Chalons in Burgundy. At that famous tournament, which terminated in a real battle, he diſplayed his valour and dexterity to great advantage, and gained a complete victory [38]. Edward III. was no leſs fond of chivalry, and encouraged it both by his example and munificence. In this he was influenced by policy, as well as inclination. Having formed the deſign of aſſerting his claim to the crown of France, he laboured to inſpire his own ſubjects with a bold enterpriſing ſpirit, and to entice as many valiant foreigners as poſſible into his ſervice. With this view he celebrated ſeveral pompous tournaments, to which he invited all ſtrangers who delighted in feats of arms, entertained them with the moſt flowing hoſpitality, and loaded ſuch of them as excelled in theſe martial ſports with honours and rewards, in order to attach them to his perſon and engage them to fight in his cauſe [39]. With the ſame view, and about the ſame time, he founded

[38] Mat. Weſtminſter, l. 2. p. 354. Annal. Nu. Trivite, ad ann. 1272.

[39] Froiſſart, tom. 1. ch. 90. 101.

the

the moſt honourable order of the garter; of which his own heroic ſon the black prince was the firſt knight, and all the firſt companions were perſons famous for their victories at tournaments, and in real wars [40]. Philip de Valois, king of France, was ſo much alarmed at theſe proceedings of his powerful rival, that he ſet up a round table at Paris, in oppoſition to that at Windſor, and endeavoured to render his tournaments more ſplendid than thoſe of Edward, in order to attract a greater number of foreign knights, that he might retain them in his ſervice [41]. In a word, chivalry, which is now an object of ridicule, was, in thoſe times, a matter of the greateſt moment, and had no little influence on the manners of mankind and the fate of nations.

Follies and vices.

It is unneceſſary to give a long detail of the national foibles and vices of the people of Britain in the preſent period, as they were nearly the ſame with thoſe of their anceſtors in that immediately preceding [42]. A moſt abſurd irrational credulity ſtill reigned in all the nations of Europe, not only among the vulgar, but among perſons of the higheſt rank and beſt education. Pope Innocent VI. firmly believed that Petrarch was a magician, becauſe he read Virgil [43]. Many miracles were reported and believed to be wrought in different places, on the moſt trifling occaſions, and are

[40] See the Lives of the founder, and of all the firſt knights, in Aſhmole's Hiſtory of the Garter, chap. 26.

[41] T. Walſing. p. 164. [42] See vol. 6. p. 342—350.

[43] Petrarchi Opera, Baſil. edit. p. 739.

recorded

recorded by our graveſt hiſtorians as unqueſtionable facts [44]. No prince engaged in any undertaking of importance till his aſtrologers had conſulted the ſtars, and diſcovered the auſpicious moment for carrying it into execution. Of this we meet with a very curious example, in the account given by Matthew Paris of the marriage of Frederic emperor of Germany, and Iſabella, ſiſter of Henry III. A. D. 1235 [45].

Juſtice ill-adminiſtered

The adminiſtration of juſtice, even in the king's courts, was very corrupt and oppreſſive in this period. This was partly owing to the venality of the judges, and partly to unlawful confederacies among the ſubjects, to ſupport each other in their law-ſuits. The venality of the king's miniſters of juſtice at length became ſo intolerable and notorious, that they were tried by a parliament held at Weſtminſter A. D. 1280, found guilty, and fined according to the degrees of their delinquencies. Sir Adam de Stratton, chief baron of the exchequer, was fined in no leſs than 34,000 marks, equivalent to 340,000 l. of our money at preſent; and this, with the fines of the other judges, amounted to a ſum equivalent to one million in our times [46]. Sir Thomas Weyland, chief juſtice of the common pleas, having been found guilty of

[44] M. Paris, p. 140, 141, 142. 146. paſſim. T. Walſing. p. 340.

[45] Nocte vero prima qua concubuit Imperator cum ea, noluit eam carnaliter cognoſcere, donec competens hora ab aſtrologis ei nunciaretur. M. Paris, p. 285. ad an. 1235.

[46] T. Wykes, Chron. an. 1289.

exciting

exciting ſome of his followers to commit a murder, and of protecting them after they had committed it, was condemned to be hanged; but the king, in conſideration that he was a knight (a character which Edward I. much revered), ſpared his life, baniſhing him out of the kingdom, and confiſcated his whole eſtate [47]. But all this ſeverity doth not ſeem to have put an end to this evil; for we meet with very loud complaints of the corruption of the judges long after this time. The monk of Malmſbury, A. D. 1319, aſſures us, that there was not ſo much as one of the king's miniſters and judges who did not receive bribes, and very few who did not extort them [48]. The eight ſtatutes made in this period againſt champerty, as it was called, or forming confederacies for ſupporting each other in all quarrels and law-ſuits, affords ſufficient evidence, that this evil very much prevailed, and was very hard to be eradicated [49].

Robbery prevailed.

Robbery was the reigning vice, not only in Britain, but in all the nations of Europe, in the preſent period; and robbers were then more numerous, cruel, and deſtructive, than at any other time. Theſe peſts of human ſociety were frequently formed into companies, under the protection of powerful barons, who ſheltered them in their caſtles, and ſhared with them in their booty.

47 Annal. Dunſtap. an. 1289.

48 Monach. Malmſ. ad an. 1319.

49 Statutes at Large, 1ſt Ed. I. ch. 25.; 13th Ed. I. ch. 49.; 28th Ed. I. ch. 2.; 33d Ed. I. ch. 1.; 1ſt Ed. III. ch. 14.; 4th Ed. III. ch. 2.; 1ſt Rich. II. ch. 4.; 7th Rich. II. ch. 7.

During

During the feeble reign of Henry III. many ſtrong caſtles belonging to great men were no better than dens of thieves and robbers, who from thence infeſted the whole country. In Hampſhire their numbers were ſo great, that the judges could not prevail upon any jury to find any of them guilty; and the king himſelf complained, that when he travelled through that county, they plundered his baggage, drunk his wine, and treated him with contempt. It was afterwards diſcovered, that ſeveral members of the king's houſehold were in confederacy with the robbers [50]. Even under the more vigorous adminiſtration of Edward I. a numerous band of robbers aſſaulted the town of Boſton, A. D. 1285, in the time of the fair, ſet it on fire in three places, and carried off an immenſe booty in money and goods. Their leader Robert Chamberlan, a gentleman of great power and wealth, was taken, tried, and executed; but he could not be prevailed upon to diſcover ſo much as one of his accomplices [51]. The robbers of thoſe times plundered all who came in their way without diſtinction. A troop of them, commanded by Gilbert Middleton and Walter Selby, aſſaulted two Cardinals, who were eſcorted by the biſhop of Durham and his brother lord Beaumont, attended by a numerous retinue of gentlemen and ſervants near Darlington, A. D. 1316. Having robbed the cardinals of their money and effects, they

[50] M. Paris, Vitæ Abbatum, p. 78. M. Paris Hiſt. p. 225, &c.
[51] H. Knyghton, p. 2465.

allowed them to proceed on their journey; but they carried the biſhop and his brother priſoners, the one to the caſtle of Morpeth, and the other to the caſtle of Mitford, and there detained them till they had paid their ranſoms [52]. Peter king of Cyprus and Jeruſalem, who viſited England A. D. 1363, was robbed on the highway, and ſtripped of his money and baggage [53]. As the robbers of this period were very numerous, ſo ſome of them were very cruel; and the character which one of their chiefs wore embroidered upon his coat in letters of ſilver, might have been applied to ſeveral others,—"I am Captain Warner, commander of a troop "of robbers, an enemy to God, without pity and "without mercy [54]."

Miſerable ſtate of common people.

When thoſe audacious plunderers dared to rob kings, cardinals, biſhops, and lords, and even to pillage populous towns, we may preſume, that they were very terrible to ordinary travellers, and the inhabitants of the open country. That they really were ſo, we learn from the hiſtorians of thoſe times, who aſſure us, that travelling was very dangerous, and that the people in the country lived under continual apprehenſions of being plundered [55]. Beſides this, many other things conſpired to render the condition of the great body of the people of Britain, in this

52 Walſing. Ypodigma Neuſtriæ, p. 503.
53 T. Walſing. Hiſt. p. 179.
54 Memoires de Petrarque, tom. 3. p. 185.
55 M. Paris, p. 508, 509. Vitæ Abbatum, p. 78. Rym. Fœd. tom. 2. p. 284. Annal. Dunſtap. vol. 1. p. 155. Heming. t. 1. p. 209. Knyghton, col. 2628.

period,

period, uncomfortable and unhappy. They were almoſt neceſſarily condemned to live in ignorance, and had hardly any means of acquiring either civil or religious knowledge. Religious liberty was quite unknown; and the clergy enſlaved the minds of the laity, as well as preyed upon their fortunes, in many different ways. The common people, and even thoſe in the middle ranks of life, enjoyed but a very ſmall ſhare of civil liberty, and all the protection they received from law and government was frequently inſufficient to defend them from the oppreſſion of the too powerful barons, who were many of them petty tyrants. The long bloody and deſtructive wars between England and Scotland, and England and France, involved the people of all theſe countries in very great calamities. The wars between England and Scotland were carried on with uncommon animoſity; and in the courſe of them much of the beſt blood in Britain was ſpilt, many populous towns and villages were reduced to aſhes, and the borders of both kingdoms were almoſt deſolated. The devaſtations of war, and the imperfection of agriculture, occaſioned frequent famines, in which many of the common people periſhed [56]. Some of theſe famines were ſo ſevere, that many mothers, it is ſaid, committed the moſt unnatural acts of cruelty to prolong their miſerable lives [57]. Some of theſe

[56] M. Paris, p. 652, 653. 655. Monach. Malmſ. an. 1316. p. 166. T. Walſing. p. 54. 63. 108. Knyghton, col. 2435, 2436. 2444. 2502. 2737.

[57] T. Walſing. p. 108.

famines were followed, by epidemical diſeaſes, or rather plagues, which ſwept off ſtill greater multitudes. "This year, A. D. 1316 (ſays Walſingham), the famine gradually increaſed; and about "the beginning of Auguſt a quarter of wheat ſold "at London for forty ſhillings (equivalent to 30 l. "of our money at preſent). The famine was "followed by ſo great a mortality, eſpecially "among the poor, that the living were hardly "able to bury the dead. For a dyſentery, accom-"panied by an acute fever, occaſioned by un-"wholeſome food, became univerſal, and very "ſoon proved mortal[58]." The dreadful peſtilence which raged over all Britain A. D. 1349, was ſtill, if poſſible, more deſtructive. The accounts given of the ravages of this plague, by the beſt contemporary hiſtorians, are hardly credible, ſome affirming, that it carried off one half, and others a much greater proportion of the whole people[59]. When all theſe circumſtances are conſidered, few will be diſpoſed to envy the happineſs of their anceſtors who flouriſhed in the thirteenth and fourteenth centuries, or to think that thoſe times were better than the preſent.

Language. A kind of confuſion of tongues prevailed in England for ſeveral centuries after the Norman conqueſt, when the different orders of the people made uſe of different languages. This was ſo much the caſe, even in the former part of the fourteenth

[58] T. Walſing. p. 108.
[59] Id. p. 168. Knyghton, col. 2598, 2599, 2600.

century,

century, that public ſpeakers were ſometimes obliged to pronounce the ſame diſcourſe three times to the ſame audience, once in Latin, once in French, and once in Engliſh [60].

Latin was the language of the church, of the ſchools, of the courts of juſtice, and in general of the learned of all profeſſions, who frequently converſed and correſponded with one another in that tongue. Divines, philoſophers, hiſtorians, and even poets, compoſed the far greateſt part of their works in Latin, eſpecially before the middle of the fourteenth century. All acts of parliament to A. D. 1266, and many of them long after, were in that language. It was not till A. D. 1258, that the Great Charter itſelf was tranſlated into Engliſh, and read to the people in their mother-tongue [61]. To the very end of this period the royal proclamations were for the moſt part in Latin, a language which was underſtood by none of the common people, and by very few of the nobility or gentry [62]. But it is very probable that theſe proclamations were tranſlated or explained to the people when they were publiſhed. Latin.

The Norman or French was the language of the court of England, of the nobility, and of all who wiſhed to be thought perſons of rank and faſhion, for about three centuries after the con- French.

60 Wilkin. Concilia, tom. 2. p. 333. col. 2.
61 Annal. Dunſtap. p. 336. ad an. 1258.
62 See Rym. Fœd. from vol. 1. to 9.

queſt. To the truth of this we could produce the teſtimony of ſeveral unexceptionable witneſſes; but that of Ralph Higden, author of the Policronicon, and his tranſlator John de Treviſa, who flouriſhed under Edward III. and Richard II. will be ſufficient: "Gentilmen's children ben lerned "and taught from theyr youthe to ſpeke Frenſhe. "And uplondiſh men will counterfete and liken "himſelf to gentilmen, and arn beſy to ſpeke "Frenche, for to be more ſette by; wherefore "it is ſayd by comyn proverbe, Jack wold be a "gentilman if he coude ſpeke Frenſhe." To this, Treviſa the tranſlator adds, "This mannar "was moche uſed tofore the great deth (1349), "but ſyth it is ſomedele chaunged[63]." The following curious and well-atteſted fact ſeems to indicate that Edward I. and his nobility did not very well underſtand either Latin or Engliſh. Pope Boniface VIII. having iſſued a bull, A. D. 1300, commanding Edward I. in a very imperious tone, to deſiſt from troubling the kingdom of Scotland, and to refer all his diſputes with the people of that kingdom to his holineſs, he ſent it to the archbiſhop of Canterbury, with a mandate to deliver it to the king. The archbiſhop wrote a letter to the pope, in anſwer to that mandate, acquainting him, that he had taken a very long and fatiguing journey into Scotland, and had found the king in his camp near New Abbey, in Galloway, who ſummoned a great council of his no-

[63] Treviſa's Tranſlation of Higden, lib. i. fol. 55.

bility

bility to hear his meſſage; that he received the bull with great reverence, commanded it to be read aloud before the council (which conſiſted of prince Edward and all the earls, barons, and knights of the army), and afterwards ordered it to be fully explained in the French language [64].

Anglo-Saxon. Anglo-Saxon or Engliſh was the language of the great body of the people of England. This language they derived from their anceſtors the Anglo-Saxons, and retained with great ſteadineſs, in ſpite of all the efforts of the Conqueror and his ſucceſſors to ſubſtitute the Norman in its place. It even gradually gained ground, and in the courſe of this period forced its way into the courts of juſtice, from which it had been excluded almoſt three hundred years. An act of parliament was made, A. D. 1362,—that all pleadings in all courts both of the king and of inferior lords, ſhould be in the Engliſh tongue, becauſe French was now much unknown in the realm, and that the people might know ſomething of the laws, and underſtand what was ſaid for and againſt them [65]. But this victory was far from being complete: for that very act of parliament was, and many others long after were, in French; a ſufficient proof that perſons in the higher ranks of life ſtill retained a predilection for that language.

64 Wilkin. Concil. tom. 2. p. 262.

65 Statutes at Large, A. D. 1362. ch. 15.

Anglo-Saxon pure.

The Anglo-Saxon that was ſpoken in England about two hundred years after the conqueſt, was ſurpriſingly pure, with very little mixture of Latin, French, or any other language. Of this the reader will be convinced, by peruſing the ſpecimen of that language which he will find in the Appendix, with a tranſlation into modern Engliſh words interlined [66].

Engliſh.

In the courſe of the fourteenth century, the Anglo-Saxon gradually changed into what may be called Engliſh. This was owing to various cauſes. That animoſity which had long ſubſiſted between the poſterity of the Normans and of the Anglo-Saxons, was now extinguiſhed, and they were in a great meaſure conſolidated into one people, by intermarriages and other means. Many of the Normans who were engaged in agriculture, trade, and manufactures, though they had been taught French by their parents in their youth, found it neceſſary to ſpeak the language of the multitude, into which they introduced many French words and idioms to which they had been accuſtomed. Beſides this, Chaucer, Gower, Wickliff, and ſeveral others, compoſed voluminous works, both of proſe and verſe, in Engliſh; and being men of learning, well acquainted with French and Latin, and ſome of them with Greek and Italian, they borrowed many words and idioms from thoſe languages, with which they

[66] Append. No. 3.

adorned

adorned and enriched their own. By theſe means, the Anglo-Saxon tongue was greatly changed before the end of this period, and the language of the beſt writers approached much nearer to modern Engliſh than that of Robert of Glouceſter, and others who flouriſhed in the thirteenth century.

Very different from modern Engliſh.

It muſt, however, be confeſſed that the Engliſh of the fourteenth century was ſtill ſo different from that of the eighteenth, that a mere Engliſh reader cannot always underſtand it without a gloſſary. The mode of ſpelling was unſettled, and very different from the modern. In general, they delighted much in vowels, and avoided the multiplication of conſonants more carefully than we do at preſent. Many words were then in common uſe, and perfectly well underſtood, which are now become obſolete, and conſequently unintelligible to the bulk of readers. The meaning of ſeveral words was very different then from what it is at preſent. A knave, for example, ſometimes ſignified a male in oppoſition to a female; —"The time is come, and a knave child ſhe "bare [67]." But moſt frequently a ſervant, in oppoſition to a freeman. Its modern meaning is well known. The poets of thoſe times uſed extraordinary freedoms (which would not be now allowed) in ſhortening, lengthening, dividing, uniting, and changing words to fit them for their purpoſes; which renders their language

[67] Chaucer, p. 50.

obſcure

obſcure and difficult to a modern reader. The above obſervations might have been confirmed and illuſtrated by examples; but that would have been tedious, and too minute for general hiſtory. The truth of them is well known to all who are in the leaſt acquainted with the authors of thoſe times.

Different dialects.

Various dialects and different modes of pronouncing the Engliſh of this period prevailed in different diſtricts: "Hit ſemeth a grete wonder "that Englyſſmen have ſo grete dyverſyte in "theyr owin langage in ſowne and in ſpekyin "of it, which is all in one ilonde[68]." If we may form a judgment of theſe modes of pronunciation from the words uſed by a contemporary writer in deſcribing them, they were harſh enough: "Some uſe ſtraunge wlaffing, chytryng, "harring, garryng, and gryſbyting.—The lan-"gages of the Northumbres, and ſpecyally at "Yorke, is ſo ſharpe, ſlytting, frotyng, and un-"ſhape, that we ſothern men maye unneth un-"derſtande that langage[69]."

Dreſs.

The extravagancies of dreſs and follies of faſhion have been ſubjects of complaint and ſatire in every age, and in none more juſtly than the period we are now delineating. In the remaining monuments of thoſe times, we meet with many deſcriptions of the ſplendid expenſive dreſſes of the great, and many complaints of the ridiculous, deforming, inconvenient faſhions adopted by per-

[68] Treviſa, l. 1. fol. 55. [69] Id. ibid.

ſons of all ranks. The magnificent coſtly dreſſes of the barons and knights who attended the marriage of Alexander III. king of Scotland, and Margaret, eldeſt daughter of Henry III. at York, A. D. 1251, are thus mentioned by Matthew Paris, who was preſent at that ſolemnity: "The "royal marriage was ſolemnized privately, and "very early in the morning, to avoid being in-"commoded by the multitudes of nobles of Eng-"land, France, Scotland, and other countries, "who were then in York, and ardently deſired "to ſee it. It would raiſe the ſurpriſe and in-"dignation of my readers to the higheſt pitch, "if I attempted to deſcribe at full length the "wantonneſs, pride, and vanity, which the no-"bles diſplayed on this occaſion, in the richneſs "and variety of their dreſſes, and the many fan-"taſtical ornaments with which they were adorned. "To mention only one particular:—The king "of England was attended on the day of the "marriage by a thouſand knights, uniformly "dreſſed in ſilk robes, which we call *cointoiſes*; "and the next day theſe knights appeared in new "dreſſes, no leſs ſplendid and expenſive [70]." This taſte for too great expence in dreſs was not peculiar to the great, but infected all the different ranks in ſociety. For though there might be ſome exaggeration, there was certainly alſo ſome truth, in the paſſage already quoted from the monk of Malmſbury, in his life of Edward II.

[70] M. Paris, p. 555.

"—the

" —the ſquire endeavours to outſhine the knight, " the knight the baron, the baron the earl, the " earl the king, in dreſs [71]." The clergy were no leſs vain and extravagant in their dreſs than the laity.

They hie on horſe willeth to ride,
In glitterande golde of grete arai,
Painted and portrid all in pride,
No common knight maie go ſo gaie;
Chaunge of clothing every daie,
With golden girdels grete and ſmall.

Miters thei werin mo than two,
Iperlid as the quen'is hedde,
A ſtaff of gold, and pirrie lo!
As hewie as it were made of ledde,
With clothe of golde both newe and redde [72].

This humour increaſed remarkably in the reign of Edward III. " In this year, 1348 (writes an " annaliſt of thoſe times), England enjoyed great " proſperity, plenty, and tranquillity, in conſe- " quence of her many victories. Such quantities " of furred garments, fine linens, jewels, gold " and ſilver plate, rich furniture and utenſils, the " ſpoils of Caen, Calais, and other foreign cities, " were imported, that every woman of rank ob- " tained a ſhare of them, and they were ſeen in " every manſion. Then the ladies of England " became proud and vain in their attire, and were " as much elated by the acquiſition of all that " finery as the ladies of France were dejected by " the loſs of it [73]."

[71] Mon. Malmſ. p. 153. [72] Chaucer's Works, p. 179.
[73] T. Walſing. p. 168.

At

At length the legiſlature found it neceſſary to interpoſe, by making ſumptuary laws, for regulating the dreſs of all ranks of people, in a parliament held at Weſtminſter A. D. 1363. In the preamble to theſe laws they are ſaid to have been made,—"to prevent that deſtruction and poverty "with which the whole kingdom was threatened, "by the outrageous exceſſive expences of many "perſons in their apparel, above their ranks and "fortunes[74]." Regulated by law.

But theſe laws ſeem to have had little or no effect. In the reign of Richard II. extravagance in dreſs became greater, and more univerſal, than it had ever been in any former period. "At this "time (1388) the vanity of the common people "in their dreſs was ſo great, that it was im-"poſſible to diſtinguiſh the rich from the poor, "the high from the low, the clergy from the "laity, by their appearance. Faſhions were con-"tinually changing, and every one endeavoured "to outſhine his neighbour by the richneſs of his "dreſs or the novelty of its form[75]." This was partly owing to the example of the king, who was exceedingly fond of pomp, and ſo expenſive in his dreſs, that he had one coat which coſt him thirty thouſand marks[76]: an immenſe ſum in thoſe times. The king was imitated by his courtiers, and ſome of them even exceeded him in the ſplendour and variety of their dreſſes. Theſe laws had little effect.

[74] Statutes at Large, tom. 1. p. 315. [75] Knyghton, col. 2729.
[76] Holing. Chron. p. 1110.

Sir

Sir John Arundel, it is ſaid, had no fewer than fifty-two complete ſuits of cloth of gold[77]. This extravagance deſcended from one rank to another till it reached the very loweſt of the people.

Faſhions. The writers of this period complain as much of the faſhions as of the too great expence of dreſs. Theſe faſhions frequently changed; and ſome of them appear to have been very fantaſtical, inconvenient, and indecent. "The Engliſhmen "haunted ſo moche unto the foyle of ſtrawngers, "that every yire thei chawnged them in divirſe "ſchappes and diſgiſſinggs of clothingge; now "longe, now large, now wide, now ſtraite; and "every day clothingges newe, and deſtitute and "diſirte from alle honeſte off old array, and "gode uſage; and another tyme to ſchorte "clothes and ſtreite waiſted, with full ſlives, "and tapetis of curtotes, and hodes over longge "and large, alle to nagged and knet on every "ſide, and alle to ſlatteredde, and alſo botte-"nedde, that iff I weth ſhall ſey, they weren "more lyke to turmentours and deviles in their "clothingge, and alſo in their ſchoying (ſhoeing), "and other aray, than they ſemed to be lyke "men. And thette the wemmenne weren more "nycely arraiedde, and paſſed the menne in alle "maner of araies and curious clothing[78]." Geoffrey Chaucer's account of the dreſſes of his age is not more favourable. "Alas! may not a man

[77] Holing. Chron. p. 1015.

[78] Douglas, Monk of Glaſtenbury, apud Strutt, vol. 2. p. 83.

"ſi as

" ſi as in our daies the ſinnefull coſtlewe arraie of " clothing, and namely in to moche ſuperfluite, " or elſe in to diſordinate ſcantineſſe? As to the " firſt,—Superfluite in clothing, that maketh it " ſo dire, to the harme of the peple, not only " the coſt of embrowdering, the diſguiſed in- " denting or barring, oundling, paling, winding, " or binding and ſemblable waſt of clothe, in " vanite: but there is alſo the coſtlewe furring in " ther gounes, ſo much pouncing of cheſel to " make holes, ſo moche dagging with ſhires " foorth, with the ſuperfluite in length of the " forſaied gounes, trailing in the dong and in the " mire, on horſe and alſo on fote, as well of " man as of woman.——Upon that other ſide. " to ſpeke of the horrible diſordinate ſcantneſs of " clothing, as ben theſe cuttid ſloppes or hand- " ſelines (breeches), that through ther ſhortneſs " cover not the ſhamefull members of manne, " to wicked intent. Alas! ſome of hem ſkewe " the boſſe of ther ſhape, and the horrible ſwole " members, in the wrapping of ther hoſen, and " alſo the buttokes of them, as farre as it were " the hinder parte of a ſhe ape in the full of the " mone.——Now as to the outragious aray of " women, God wote, that though the viſages of " ſome of hem ſeme full chaſte and debonaire, " yet notify in ther aray or attire licorouſneſs and " pride [79]." Some other parts of this deſcription are too indelicate to be admitted into this

79 Chaucer's Works, by Urry, p. 198.

work.

work. Petrarch expreſſed his diſapprobation of the dreſſes of his time in ſtill ſtronger terms, in a letter to the pope A. D. 1366: "Who "can ſee with patience the monſtrous fantaſtical "faſhions which the people of our times have in- "vented to deform, rather than adorn, their "perſons? Who can behold without indignation "their long-pointed ſhoes;—their caps with fea- "thers;—their hair twiſted, and hanging down "like tails;—the foreheads of young men, as "well as women, formed into a kind of furrows "with ivory headed pins;—their bellies ſo cruelly "ſqueezed with cords, that they ſuffer as much "pain from vanity, as the martyrs ſuffered for "religion;—and eſpecially thoſe indecent parts "of their dreſs which are extremely offenſive to "every modeſt eye? Our anceſtors would not "have believed, and I know not if our poſterity "will believe, that it was poſſible for the wit of "this vain generation of ours to invent ſo many "baſe, barbarous, horrid, ridiculous faſhions (be- "ſides thoſe already mentioned,) to diſfigure and "diſgrace itſelf, as we have the mortification to "ſee every day[80]."

Long-pointed ſhoes.

Theſe ſtrictures on the dreſſes of this period (to which others might be added) are indeed ſevere; but a ſlight attention to a few of the inconvenient, ridiculous, indecent modes which then prevailed, will convince us that they were not unjuſt. What could be more inconvenient than

[80] Opera Petrarchi, edit. Baſil. p. 812.

their

their long-pointed ſhoes, with which they could not walk till they were faſtened to their knees with chains [81]? The upper parts of theſe ſhoes were cut in imitation of a church window. Chaucer's ſpruce pariſh clerk Abſolom,

Had Paul is windowes corven on his ſhoſe [82].

Theſe ſhoes were called *crackowes;* and continued in faſhion about three centuries, in ſpite of the bulls of popes, the decrees of councils, and the declamations of the clergy againſt them.

Deſcription of a beau of the fourteenth century.

What could exhibit a more fantaſtical appearance than an Engliſh beau of the fourteenth century? He wore long-pointed ſhoes, faſtened to his knees by gold or ſilver chains; hoſe of one colour on one leg, and of another colour on the other; ſhort breeches, which did not reach to the middle of his thighs, and diſcloſed the ſhape of all the parts included in them; a coat, one half white, and the other half black or blue; a long beard; a ſilk hood buttoned under his chin, embroidered with groteſque figures of animals, dancing men, &c. and ſometimes ornamented with gold, ſilver, and precious ſtones [83]. This dreſs, which was the very top of the mode in the reign of Edward III. appeared ſo ridiculous to the Scots (who probably could not afford to be ſuch egregious fops) that they made the following ſatirical verſes upon it.

[81] Camden's Remains, p. 195.
[82] Chaucer's Works, p. 26.
[83] Camden's Remains, p. 194, &c. Strutt, vol. 2. p. 83, &c.

Long beirds hirtileſs,
Peynted whoods whitlee,
Gay cotes gracelies,
Maketh Englond thriftelies.

Female dreſs.

The dreſs of the gay and faſhionable ladies who frequented the public diverſions of thoſe times was not more decent or becoming. It is thus deſcribed by Knyghton A. D. 1348: "Theſe "tournaments are attended by many ladies of the "firſt rank and greateſt beauty, but not always of "the moſt untainted reputation. Theſe ladies "are dreſſed in party-coloured tunics, one half "being of one colour, and the other half of an-"other; their lirripipes or tippets are very ſhort; "their caps remarkably little, and wrapt about "their heads with cords; their girdles and pouches "are ornamented with gold and ſilver; and they "wear ſhort ſwords, called *daggers*, before them, "a little below their navels: they are mounted "on the fineſt horſes, with the richeſt furniture. "Thus equipped, they ride from place to place, "in queſt of tournaments, by which they diſſi-"pate their fortunes, and ſometimes ruin their "reputations [84]." The head-dreſſes of the ladies underwent many changes in the courſe of this period. They were ſometimes enormouſly high, riſing almoſt three feet above the head, in the ſhape of ſugar-loaves, with ſtreamers of fine ſilk flowing from the top of them to the ground [85].

[84] Knyghton, col. 2597.

[85] Montfaucon Monumens de la Monarchie François, tom. 2. p. 234. 256.

Upon

Upon the whole, I am fully perſuaded, that we have no good reaſon to pay any compliments to our anceſtors of this period, at the expence of our contemporaries, either for the frugality, elegance, or decency, of their dreſs.

The common people in Wales (where the arts had made little progreſs) were very imperfectly clothed in this period. The Welſhmen in the army of Edward II. were known, in their flight from the battle of Bannockburn, by the meanneſs of their dreſs. Dreſs of the Welſh.

Sir Maurice alſo, the Barclay,
Frá the great battle held his way,
With a great rout of Waliſhmen,
Where'er they yied men might them ken;
For they well near all naked were,
Or linen clothis had but mare [86].

We have no reaſon to ſuppoſe, that the common people in the highlands of Scotland (where the arts were as imperfect as in Wales) were better clothed than the Welſh. The Scots in the low country imitated the dreſs and faſhions of the French and Engliſh, as their circumſtances and knowledge of the arts permitted. Matthew Paris, who was preſent at the ſplendid marriage of Alexander III. with the princeſs Margaret of England, at York, A. D. 1251, acquaints us, that about ſixty barons and knights, and many other gentlemen, who attended the young king of Scotland on that occaſion, were elegantly dreſſed [87].

[86] Barbour, p. 276.

[87] M. Paris, p. 555.

Diet. The people of England, in this period, were not more moderate in their diet than in their dreſs; and the interpoſition of government was thought neceſſary to reſtrain them from exceſſes in the one as well as in the other. Edward II. iſſued a proclamation on this ſubject, A. D. 1216, to the following purpoſe: "Edward, by the grace of "God, king of England, lord of Ireland, and "duke of Aquitaine, to the ſheriffs of London, "wiſheth health. Whereas, by the outrageous "and exceſſive multitude of meats and diſhes "which the great men of our kingdom have "uſed, and ſtill uſe, in their caſtles, and by "perſons of inferior rank imitating their ex-"ample, beyond what their ſtations require, and "their circumſtances can afford, many great evils "have come upon our kingdom, the health of "our ſubjects hath been injured, their goods have "been conſumed, and they have been reduced to "poverty: we being willing to put a ſtop to "theſe exceſſes, have, with the advice and con-"ſent of our council, made the following rules "and ordinances,—1*mo*, That the great men of "our kingdom ſhall have only two courſes of "fleſh meats ſerved up to their tables, each "courſe conſiſting only of two kinds of fleſh "meat, except prelates, earls, barons, and the "greateſt men of the land, who may have an "intermeat of one kind, if they pleaſe. On "fiſh days, they ſhall have only two courſes of "fiſh, each conſiſting of two kinds, with an in-"termeat of one kind, if they pleaſe. Such as

"tranſgreſs

" tranſgreſs this ordinance ſhall be ſeverely pu-
" niſhed [88]." This proclamation was iſſued in the time of a deplorable famine, and we may conclude, that, if the prelates and barons indulged themſelves in ſo great a number and variety of diſhes at their tables, when the poor were periſhing for want around them, they would be ſtill more profuſe in times of plenty [89]. In the reign of Edward III. A. D. 1363, ſeveral ſumptuary laws were made for regulating the dreſs and diet of perſons of different ranks; and in particular, it was enacted, that the ſervants of gentlemen, merchants, and artificers, ſhould have only one meal of fleſh or fiſh in the day, and that their other meal ſhould conſiſt of milk, butter, cheeſe, and ſuch other things as were ſuitable to their ſtation [90]. But a contemporary hiſtorian aſſures us that theſe laws had no effect, though a ſevere famine raged at that time [91].

The feaſts in this period, at the coronation of kings, the inſtallation of prelates, the marriages of great barons, and on ſome other occaſions, were exceedingly profuſe, the numbers of diſhes ſerved up, and of gueſts entertained, ſometimes amounting to many thouſands. The coronation-feaſt of Edward III. coſt 2835l. 18s. 2d. equivalent to about 40,000 l. of our money [92]. At the inſtallation of Ralph abbot of St. Auguſtine, Can-

[88] Ryley's Pleadings in Parliament, p. 552.
[89] Monach. Malmſ. Vita Ed. II. an. 1316. T. Walſing. p. 108.
[90] Statutes at Large, v. 1. p. 315. [91] T. Walſing. p. 179.
[92] Annal. de Dunſtap. p. 662.

terbury, A. D. 1309, ſix thouſand gueſts were entertained with a dinner, conſiſting of three thouſand diſhes, which coſt 287 l. 5 s. 0 d. equal in efficacy to 4300 l. in our times[93]. "It would "require a long treatiſe (ſays Matthew Paris) to "deſcribe the aſtoniſhing ſplendour, magni-"ficence, and feſtivity with which the nuptials of "Richard earl of Cornwall, and Cincia daughter "of Reimund earl of Provence, were celebrated "at London A. D. 1243. To give the reader "ſome idea of it, in a few words, above thirty "thouſand diſhes were ſerved up at the marriage-"dinner[94]." The nuptials of Alexander III. of Scotland, and the princeſs Margaret of England, were ſolemnized at York, A.D. 1251, with ſtill greater pomp and profuſion. "If I attempted "(ſays the ſame hiſtorian) to diſplay all the gran-"deur of this ſolemnity,—the numbers of the "noble and illuſtrious gueſts,—the richneſs and "variety of the dreſſes, the ſumptuouſneſs of "the feaſts,—the multitudes of the minſtrels, "mimics, and others whoſe buſineſs it was to "amuſe and divert the company, thoſe of my "readers who were not preſent would imagine "that I was impoſing upon their credulity. The "following particular will enable them to form "a judgment of the whole. The archbiſhop of "York made the king of England a preſent of "ſixty fat oxen, which made only one article of

[93] Chron. W. Thorn. col. 2010.
[94] M. Paris, p. 411.

"proviſion

" proviſion for the marriage-feaſt, and were all " conſumed at that entertainment[95]."

The art of cookery was as much cultivated, and as much improved, in this period, as any of the other arts. The cook in the Canterbury Tales was no mean proficient in his profeſſion : Cookery.

A coke thei haddè with them for the nones,
To boyle the chikens and the marie-bones,
And pouder marchaunt, tarte, and galengale:
Well couth he know a draught of London ale.
He couth roſtè, boilè, grillè, and frie,
And makè mortries, and well bake a pie.
For blank-manger that made he with the beſt[96].

Chaucer, in the Parſon's Tale, complains of the too laboured and artificial cookery of thoſe times: " Pride of the table apereth alſo full ofte : " for certes riche men be called to feſtes, and " pore folke ben put away and rebuked. And " alſo in exceſs of divers metes and drinkes; " and namely, ſuch maner bake metes and diſhe " metes brenning of wild fire, peynted and ca- " ſtelled with paper and ſamblable waſte, ſo that it " is abuſion to think[97]."

One of the moſt expenſive ſingularities attending the royal feaſts in this period conſiſted in what they called intermeats. Theſe were repreſentations of battles, ſieges, &c. introduced between the courſes, for the amuſement of the gueſts. The French excelled in exhibitions of this kind. Inter-meats.

94 M. Paris, p. 555. 96 Chaucer's Works, p. 4.
97 Id. p. 198.

At a dinner given by Charles V. of France to the emperor Charles IV. A. D. 1378, the following intermeat was exhibited. A ſhip with maſts, ſails, and rigging, was ſeen firſt; ſhe had for colours the arms of the city of Jeruſalem; Godfrey de Bouillon appeared upon deck, accompanied by ſeveral knights armed cap-a-pee: the ſhip advanced into the middle of the hall, without the machine which moved it being perceptible. Then the city of Jeruſalem appeared, with all its towers lined with Saracens. The Ship approached the city; the Chriſtians landed, and began the aſſault; the beſieged made a good defence: ſeveral ſcaling-ladders were thrown down; but at length the city was taken [98]. Intermeats at ordinary banquets conſiſted of certain delicate diſhes, introduced between the courſes, and deſigned rather for gratifying the taſte than for ſatisfying hunger [99].

Drinks. Perſons of rank and fortune, in this period, indulged themſelves in a very liberal uſe of a variety of liquors. Ale and cyder were the moſt common drinks of the people of England [100]. But beſides theſe, great quantities of wines of various kinds were imported. The following lines of a poet who wrote in this period contain an ample enumeration of the wines then known and uſed in England:

Ye ſhall have rumney and maleſpine,
Both ypocraſſe and vernage wyne;

---

[98] Eſſays on Paris, vol. 2. p. 71.
[99] Ryley's Placita Parliamentaria, p. 552.
[100] Opera Petrarchi, tom. 3. p. 3.

Mountreſſe

Mountreſe and wyne of Greke,
Both algrade and deſpice eke,
Antioche and baſtarde,
Pyment alſo, and garnarde,
Wine of Greke and Muſcadell,
Both clare, pyment, and rothell [10].

Some of theſe liquors, as ypocraſs, pyment, and claret, were compounded of wine, honey, and ſpices of different kinds, and in different proportions. Theſe were conſidered as delicacies, and were chiefly uſed by perſons of the higheſt rank. This appears from the following precepts of Henry III: "We hereby command you, the "keepers of our wines at Wincheſter, to deliver "to Robert de Monte Peſſulano, ſuch wines, and "in ſuch quantities as he ſhall require, of our "wines in your cuſtody, to make delicate and "precious drinks for our own uſe. Witneſs, the "king, at Lutegarſhall, 26th November 1250." The other precept contains a more particular deſcription of theſe delicate drinks: "We hereby "command you, the keepers of our wines at "York, that of the beſt wines in your cuſtody, "you deliver to Robert de Monte Peſſulano two "tons of white wine to make garhioſilac, and one "ton of red wine to make claret for our own "uſe at the approaching feaſt of Chriſtmas. We "command alſo the ſaid Robert to go with all "ſpeed to York, to make the ſaid garhioſilac

[10] Warton's Hiſt. Poet. vol. 1, p. 177.

"and

"and claret, as he uſed to do in former "years [102]."

In our preſent period, people of all ranks made only two ſtated meals a-day, dinner and ſupper, the former in the forenoon, the latter in the evening. When Henry duke of Lancaſter took Richard II. priſoner in Flint caſtle, on the morning of Auguſt 20, A. D. 1399, he aſked the king, Hath your majeſty broke your faſt? To which Richard anſwered, I have not, for it is too early in the morning. The duke then ſaid, I entreat you to dine immediately; for you have a long journey to go: and the king, after ſome heſitation, commanded the table to be covered, and made a ſhort dinner [103]. Theſe two meals, and the times at which they were taken, are mentioned in the following lines of Chaucer:

For every day, when Beryn roſe, unwaſh he wold dyne,
And draw hym to his feleſhip, as even as a lyne,
And then come home, and ete and ſoop, and ſclepe al nyht [104].

The wines.

Kings, princes, and other perſons of high rank and great fortunes, commonly took a kind of collation immediately before they went to bed, called *the wines*, conſiſting of delicate cakes and wine warmed and mixed with certain ſpices. Sir John Froiſſart reckoned it a piece of great good fortune,

[102] Walpole's Anecdotes of Painting, vol. 1. p. 2.
[103] Froiſſart, tom. 4. ch. 110.
[104] Chaucer's Works, p. 603. col. 1.

that

that he had ſpent the greateſt part of his life in the courts of princes, and thereby had an opportunity of receiving *the wines*, which had contributed much to his comfort and repoſe. The wines were ſometimes given immediately after dinner; and at the ceremonious viſits of the great at any hour [105]. The following lines contain an enumeration of ſome of the ſpices known and uſed in this period:

There was ike wexing many a ſpice,
As clowe, gilofre, and licorice,
Gingiber, and grein de Paris,
Canell and ſetewale of pris,
And many a ſpice delitable
To eten whan men riſe fro table [106].

The prevailing amuſements of the people of Britain of all ranks, in this period, appear to have been nearly the ſame with thoſe of their anceſtors in the former period, which have been already deſcribed. Some of the favourite diverſions of the common people of England are mentioned in a proclamation of Edward III. A. D. 1363, and prohibited, becauſe they prevented them from exerciſing archery. "In former times the people "of our kingdom, at their hours of play, com- "monly exerciſed themſelves in archery, from "which we derived both honour and advantage. "But now that art is neglected, and the people "ſpend their time in throwing ſtones, wood, or "iron; in playing at the hand-ball, foot-ball, or Diverſions.

[105] Froiſſart, tom. 2. chap. 81. tom. 3. chap. 59. 84.
[106] Chaucer's Works, p. 224. col. 2.

"club-

"club-ball; in bull-baiting and cock-fighting, or "in more uſeleſs and diſhoneſt games [107]." A ſimilar proclamation was iſſued two years after, in which the ſame games are mentioned [108]. Wreſtling for a ram is deſcribed by Chaucer, and ſeems to have been a common diverſion in thoſe times [109]. A famous wreſtling match, A. D. 1222, between the citizens of London on one ſide, and the inhabitants of Weſtminſter and the neighbouring country on the other, for a ram, terminated in a real battle, in which much blood was ſpilt, and the Londoners were put to flight [110]. By diſhoneſt games, in the proclamations of Edward III. we are probably to underſtand ſuch games of chance as croſs and pile, &c. to which the common people, and ſome of their ſuperiors, were even then too much addicted. That weak and frivolous prince, Edward II. ſpent both his time and money in theſe trifling amuſements, as appears from the following curious articles of account: "Item, Paid there to "Henry, the king's barber, for money which he "lent to the king to play at croſs and pile, five "ſhillings. Item, paid there to Pires Bernard, "uſher of the king's chamber, money which he "lent to the king, and which he loſt at croſs and "pile to monſieur Robert Wattewille, eight "pence [111]."

Tournaments.

As a general account of tournaments, the favourite diverſions of the great and brave in the

[107] Rym. Fœd. tom. 6. p. 417. [108] Id. p. 468.
[109] Chaucer's Works, f. 5. 40. [110] M. Paris, ad ann. 1222.
[111] Antiquarian Repertory, vol. 2. p. 58.

middle

middle ages, hath been already given, a brief deſcription of one, out of many that were celebrated in Britain in this period, will be ſufficient to give the reader a diſtinct idea of thoſe renowned amuſements. For this purpoſe I ſhall make choice of that which was held at London in October A. D. 1389[112]. Richard II. his three uncles, and his great barons, having heard of a famous tournament at Paris, at the entry of Iſabel queen of France, reſolved to hold one of equal ſplendour at London, in which ſixty Engliſh knights, conducted to the ſcene of action by ſixty ladies, ſhould challenge all foreign knights. They ſent heralds into all parts of England, Scotland, Germany, Italy, Flanders, Brabant, Hainault, and France, to proclaim the time, place, and other circumſtances of the intended tournament, and to invite all valorous knights and ſquires to honour it with their preſence. This (ſays the hiſtorian) excited a vehement deſire in the knights and ſquires of all theſe countries to go to this tournament, ſome to ſee the manners and equipages of the Engliſh, and others to tourney. In the mean time, the liſts were prepared in Smithfield, and chambers erected around them, for the accommodation of the king, queen, princes, lords, ladies, heralds, and other ſpectators. When the time approached, prodigious numbers of great perſons of both ſexes, attended by numerous retinues, arrived in London. On the firſt Sunday of October, which was the firſt day of the tournament,

[112] See vol. 6. p. 368, &c.

between

between two and three o'clock afternoon, ſixty fine horſes, with rich furniture, for the juſts, iſſued one by one from the tower, each conducted by a ſquire of honour, and proceeded in a ſlow pace, through the ſtreets of London to Smithfield, attended by a numerous band of trumpeters and other minſtrels. Immediately after, ſixty young ladies, richly dreſſed, riding on palfries, iſſued from the ſame place, and each lady leading a knight completely armed, by a ſilver chain, they proceeded ſlowly to the field. When they arrived there, the ladies were lifted from their palfries, and conducted to the chambers provided for them; the knights mounted their horſes, and began the juſts, in which they exhibited ſuch feats of valour and dexterity, as excited the admiration of the ſpectators. When the approach of night put an end to the juſts, the company repaired to the palace of the biſhop of London, in St. Paul's ſtreet, where the king and queen then reſided, and the ſupper was prepared. The ladies, knights, and heralds, who had been appointed judges, gave one of the prizes, a crown of gold, to the earl of St. Paul, as the beſt performer among the foreign knights, and the other a rich girdle, adorned with gold and precious ſtones, to the earl of Huntington, as the beſt performer of the Engliſh. After a ſumptuous ſupper, the ladies and knights ſpent the whole night in dancing. The tournaments, with nearly the ſame ſolemnities, were continued on Monday, Tueſday, Wedneſday, Thurſday, and Friday On Saturday, the court, with all the company,

company, removed to Windſor, where the juſts, feaſting, and other diverſions, were renewed, and laſted ſeveral days. At length the king, having preſented the foreign ladies, lords, and knights, with valuable gifts, they returned to their ſeveral countries, highly pleaſed with the entertainment they had received [113]. This was evidently more ſplendid and more expenſive than any of the diverſions of the preſent age. Theſe tournaments were admirably calculated to inflame the young nobility, and gentry with an ardent deſire of excelling in martial exerciſes, as they gave them an opportunity of diſplaying their accompliſhments in the moſt public manner, and thereby acquiring the applauſe of the great and the favour of the fair.

Dancing was a favourite diverſion on all feſtive occaſions in this period; and perſons of the higheſt rank and graveſt characters did not diſdain to mingle in the dance. It appears, from the record of the Coronation of Richard II. that after the coronation-dinner, the king, prelates, nobles, knights, and the reſt of the company, ſpent the afternoon in dancing in Weſtminſter-hall, to the muſic of the minſtrels [114]. Dancing.

Mummeries and diſguiſings, the maſquerades of the middle ages, were introduced in this period. They are mentioned by Matthew Paris, in his account of the marriage of Alexander III. of Scotland, with the princeſs of England, at York, Diſguiſings.

[113] Froiſſart, tom. 4. p. 90.
[114] Rym. Fœd. tom. 7. p. 160. col. 2.

A. D. 1252, and made commonly a part of the diverſions at the great feſtivals in the courts of kings in thoſe times [115]. In the year 1348, eighty tunics of buckram, forty-two viſors, and a great variety of other whimſical dreſſes, were provided for the diſguiſings at court, at the feaſt of Chriſtmas [116]. A moſt magnificent mummery or diſguiſing was exhibited by the citizens of London, A. D. 1377, for the amuſement of Richard prince of Wales, in which no fewer than one hundred and thirty perſons were diſguiſed [117]. A moſt fatal accident happened at one of theſe mummeries at the court of France, A. D. 1388. Charles VI. who was then young and frolicſome, and five young noblemen, appeared like ſavage men, clothed in robes of linen, exactly fitted to their bodies, covered from head to foot, with a repreſentation of long hair, made of linen threads fixed to their linen robes with pitch. A flambeaux accidentally ſet fire to the counterfeit hair of one of theſe ſeeming ſavages, and in a moment, five of them, who were near each other, were all in flames. Four of them were burnt to death, and the fifth preſerved his life by throwing himſelf into a large veſſel full of water, which happened to be near: the king was ſaved by being fortunately at a little diſtance [118]. At theſe great feſtivals, the whole company ſometimes wore maſks;

115 M. Paris, ad an. 1252.
116 Warton Hiſt. Poet. v. 1. p. 238.
117 Stow's Survey of London, p. 71. quarto, A. D. 1599.
118 Froiſſart, tom. 4. ch. 52.

and

and on theſe occaſions no great regard, it is ſaid, was paid to decency [119].

Pageants. Pageants, at the triumphant entries of princes into their capitals, were not unknown in this period. The citizens of London expended great ſums on pageants, as well as in preſents, at the public entry of Richard II. and his queen, A. D. 1392 [120]. Thoſe exhibited at Paris, at the entry of Iſabel of Bavaria, queen to Charles VI. were numerous and magnificent, but ſtrongly tinctured with the groſs ſuperſtition of the age. When the queen approached the gate of St. Dennis in her litter, ſhe beheld a repreſentation of heaven, with clouds and ſtars, and many children, in imitation of angels, ſinging moſt melodiouſly, and in the midſt of them an image of the Virgin Mary, with the infant in her arms, playing with a little mill made of a large nut. At the next gate ſhe beheld, another heaven, more glorious than the firſt, in which were many angels ſinging, and an image of God the Father, Son, and Holy Ghoſt, ſitting in Majeſty on his throne. When ſhe came near the gate two angels deſcended and placed a crown of gold, adorned with precious ſtones, upon her head, and then aſcended, ſinging certain verſes in her praiſe [121].

Multitude of minſtrels, &c. At grand feſtivals, the palaces of princes, and the caſtles of great barons, were crowded with hundreds of minſtrels, mimicks, jugglers, tum-

119 Memoires ſur Chevalerie, tom. 2. p. 68.
120 Knyghton, col. 2740. 121 Froiſſart, tom. 4. ch. 2.

blers, rope-dancers, &c. who exhibited, in their different ways, for the amuſement of the company. Some of their exhibitions were abundantly ridiculous. At one time, for example, a horſe danced upon a rope, and two oxen rode upon horſes, and ſounded trumpets [122].

Sports of the field.

The fondneſs of princes, nobles, and gentlemen, for the ſports of the field, was as great in this as it had been in the former period. Theſe ſports were the chief joy and buſineſs of their lives; horſes, hounds, and hawks, were the favourite topics of their converſation; and ſome of them, we are told, kept no fewer than ſixteen hundred dogs for the chace [123]. A royal hunting was as ſplendid, and almoſt as expenſive, as a royal tournament. When the kings of France, Scotland, and Cyprus, were in England, A. D. 1363, Edward III. proclaimed a royal hunting, to which he invited thoſe kings, all the French hoſtages, and all his own nobility. If we reflect on the number and quality of the perſons invited, the greatneſs of their retinues, and their fondneſs of this kind of ſport, we may form ſome idea of the magnificence of this hunting. The ſcenes of this famous ſport were the foreſts of Rogyngan, Clyne, Schyrewood, and ſeveral other foreſts, woods, and chaces, from which we may conclude, that it continued a conſiderable time [124]. Wolves were not extirpated out of England ſo early as is commonly believed. This

122 Memoires ſur Chevalerie, tom. 1. p. 247. M. Paris. an. 1236.
123 Froiſſart, tom. 4. ch. 27. 124 Knyghton, col. 2627.

appears

appears from a commiſſion granted by Edward I. A. D. 1281, to his faithful and well-beloved ſervant Peter Corbet, to hunt and deſtroy all the wolves he could find in the counties of Glouceſter, Worceſter, Hereford, Salop, and Stafford [125].

Theatrical diverſions.

There is ſufficient evidence, that certain amuſements or ſports, which are called by the hiſtorians of thoſe times *theatrical*, were known and admired in this period. The monk of Malmſbury, who wrote the life of Edward II. acquaints us, that Walter Reynolds, made archbiſhop of Canterbury A. D. 1214, was not a man of much learning; but that he had gained the favour of the king by his great ſkill in theatrical plays, of which he was ſuperintendant [126]. But thoſe theatrical exhibitions were probably no other than the awkward repreſentations of ſcripture-hiſtories, which were called *myſteries* and *miracles*, and have been already deſcribed [127]. Theſe myſteries were originally a kind of religious, or rather ſuperſtitious ceremonies, exhibited in monaſteries and churches, by the monks and clergy; but they afterwards became alſo ſecular amuſements, and were acted by the laity. The moſt intereſting hiſtorical paſſages, both of the Old and New Teſtament, were repreſented, at Cheſter, A. D. 1327, at the expence of the different incorporated companies of that city, and probably by the members of theſe companies

125 Rym. Fœd. tom. 2. p. 168.
126 Monach. Malmſ. Vit. Ed. II. p. 142.
127 See vol. 6. p. 374.

and their ſervants. In the myſtery of the creation, which was acted by the drapers, the perſons who repreſented Adam and Eve appeared quite naked, without bluſhing themſelves, or giving any offence to the ſpectators [128]. The myſtery of the deluge, which was acted by the dyers, contained a violent altercation between Noah and his wife, who abſolutely refuſed to enter the ark; and when ſhe was forced into it, gave her huſband a hearty blow on the ear [129]. Moralities were a kind of interludes, in which the virtues and vices, the human faculties and paſſions, &c. were perſonified, and ſpeeches formed for them, illuſtrating and recommending a certain moral.

Tragedies and comedies.

The words *comedy* and *tragedy* occur in ſome of the authors of this period: but it plainly appears, that by comedies they meant only pleaſant facetious ſtories, calculated to produce laughter; and by tragedies, tales of woe, adapted to excite terror, grief, and pity. Many of Chaucer's Canterbury Tales are in the facetious ſtrain, and are therefore called comedies; ſome of them are mournful ſtories, and are called tragedies. He gives this laſt name to his poem of Troilus and Creſide:

> Go, litil boke, go, litil tragedie,
> There God my makir yet er that I die,
> So ſende me might to make ſome comedie [130].

Tragedy is thus deſcribed by Chaucer's monk in the prologue to his tale:

[128] Warton, Hiſt. Poet. vol. 1. p. 243.
[129] Id. vol. 2. p. 179.
[130] Chaucer's Works, p. 332.

Tragidy

Tragidy is to tell a certaine ſtory,
As olde bokis makin ofte memory,
Of 'hem that ſtode in grete proſperity,
And be fallin out of ther hie degre
In to miſery, and endid wretchedly;
And thei ben verſifyid comenly,
Of ſixe fete, whiche men clepen hexametron:
In proſe eke ben enditid many one,
And in metre, many a ſondry wiſe,
Lo! this ought enough you for to ſuffice [131].

The monk propoſed to tell a few tragedies, of which he had one hundred in his cell; and his tale accordingly conſiſts of ſeventeen ſhort ſtories of perſons who had fallen from great proſperity into great adverſity.

Tragetours, as they were then called, or jugglers, contributed to the amuſement of thoſe who could afford to pay them for their exhibitions, which tended to excite ſurpriſe and admiration, by certain tricks and appearances which impoſed upon the ſenſes of the ſpectators. Several of theſe exhibitions are deſcribed by Chaucer, of which it will be ſufficient to produce one example:

Tragetours or jugglers.

For I am ſikir there be ſciences,
By whiche men make divers aparences,
Soche as theſe ſotill tragetores plaie;
For oft at feſtis have I well herd ſaie,
That tragitors within an halle large,
Have made to come in watir and a barge,
And in the halle rowin up and doun;
Somtime hath ſemid come a grim lioun;

[131] Chaucer's Works, p. 161.

And ſomtime flouris ſpring as in a mede:
Somtime a vine, and grapis white and rede;
Somtime a caſtill alle of lime and ſtone,
And whan 'hem likid voidin 'hem anon;
Thus ſemid it to every mann'is ſight [132].

Games of chance.

Games of chance appear to have been nearly the ſame in this and the preceding period, and to have been purſued with equal ardour in both. Cards, which have long been the chief inſtruments of gaming, both for gain and for amuſement, were invented towards the concluſion of the fourteenth century, by Jaquemin Gringonneur, a painter in Paris; but as I have met with no evidence that they were uſed in Britain before the end of our preſent period, their hiſtory muſt be referred to the ſeventh chapter of the fifth book of this work [133].

[132] Chaucer's Works, p. 110, 111.
[133] Eſſays upon Paris, vol. 1. p. 228.

APPENDIX

TO THE

FOURTH BOOK.

NUMBER I.

Magna Carta Regis Henrici III. xii die Novembris MCCXVI, anno regni i.

HENRICUS Dei Gratia Rex Anglie Dominus Hybernie Dux Normannie Aquitanie et comes Andegavie archiepiſcopis epiſcopis abbatibus comitibus baronibus justiciariis foreſtariis vicecomitibus prepoſitis miniſtris ballivis et omnibus fidelibus ſuis ſalutem Sciatis nos intuitu Dei et pro ſalute anime noſtre et omnium anteceſſorum et ſucceſſorum noſtrorum ad honorem Dei et exaltationem ſancte eccleſie et emendationem regni noſtri per conſilium venerabilium patrum noſtrorum domini Gualonis titulo ſancti Martini preſbiteri cardinalis apoſtolie ſedis legati Petri Wint' R. de ſancto Aſapho J. Bathon' et Glaſton' S. Exon' R. Ciceſtr' W. Coventr' B. Roff' H. Landav' Menevens' Bangor' et S. Wygorn' epiſcoporum et nobilium virorum Willielmi Mareſcalli comitis Penbroc' Ranulfi comitis Ceſtr' Willielmi de Ferrar' comitis Dereb' Willielmi comitis Albemarle Huberti de Burgo juſticiarii noſtri Savarici de Malo Leone Willielmi Brigwerr' patris

No. I. Willielmi Brigwerr' filii Roberti de Curtenai Falkeſii de Breante Reginaldi de Vautort Walteri de Laſcy Hugonis de Mortuo Mari Johannis de Monemute Walteri de Bello Campo Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantilup' Mathei filii Hereberti Johannis Mariſcalli Alani Baſſet Philippi de Albiniaco Johannis

1 Extranei et aliorum fidelium noſtrorum Inprimis conceſſiſſe Deo et hac preſenti carta noſtra confirmaſſe pro nobis et heredibus noſtris inperpetuum quod Anglicana eccleſia libera ſit et habeat jura ſua integra et libertates ſuas illeſas Conceſſimus etiam omnibus liberis hominibus regni noſtri pro nobis et heredibus noſtris imperpetuum

2 omnes libertates ſubſcriptas habendas et tenendas eis et heredibus ſuis de nobis et heredibus noſtris Si quis comitum vel baronum noſtrorum ſive aliorum tenentium de nobis in capite per ſervitium militare mortuus fuerit et cum deceſſerit heres ſuus plene etatis fuerit et relevium debeat habeat hereditatem ſuam per antiquum relevium ſcilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum libras heres vel heredes militis de feodo militis integro per centum ſolidos ad plus et qui minus debuerit minus det ſecundum antiquam conſuetudinem feodorum

3 Si autem heres alicujus talium fuerit infra etatem dominus ejus non habeat cuſtodiam ejus nec terre ſue antiquam homagium ejus ceperit et poſtquam talis heres fuerit in cuſtodia cum ad etatem pervenerit ſcilicet viginti unius ann' habeat hereditatem ſuam ſine relevio et ſine fine ita tamen quod ſi ipſe dum infra etatem fuerit fiat miles nichilominus terra remaneat in cuſtodia domini ſui uſque

4 ad terminum predictum. Cuſtos terre hujuſmodi heredis qui infra etatem fuerit non capiat de terra heredis niſi rationabiles exitus et rationabiles conſuetudines et rationabilia ſervicia et hoc ſine deſtructione et vaſto hominum vel rerum et ſi nos commiſerimus cuſtodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis

nobis reſpondere debeat et ille deſtructionem de cuſtodia fecerit vel vaſtum nos ab illo capiemus emendam et terra committatur duobus legalibus et diſcretis hominibus de feodo illo qui de exitibus nobis reſpondeant vel ei cui illos aſſignaverimus et ſi dederimus vel vendiderimus alicui cuſtodiam alicujus talis terre et ille deſtructionem inde fecerit vel vaſtum amittat ipſam cuſtodiam et tradatur duobus legalibus et diſcretis hominibus de feodo illo qui ſimiliter nobis reſpondeant ſicut predictum eſt Cuſtos autem quamdiu cuſtodiam terre habuerit ſuſtentet domos parcos vivarios ſtagna molendina et cetera ad illam terram pertinentia de exitibus terre ejuſdem et reddat heredi cum ad plenam etatem pervenerit terram ſuam totam inſtauratam de carrucis et omnibus aliis rebus ad minus ſecundum quod illam recepit Hec omnia obſerventur de cuſtodiis archiepiſcopatuum epiſcopatuum abbatiarum prioratuum eccleſiarum et dignitatum vacantium excepto quod cuſtodie hujuſmodi vendi non debent Heredes maritentur abſque diſparagatione Vidua poſt mortem mariti ſui ſtatim et ſine difficultate aliqua habeat maritagium ſuum et hereditatem ſuam nec aliquid det pro dote ſua vel pro maritagio vel hereditate ſua quam hereditatem maritus ſuus et ipſa tenuerint die obitus ipſius mariti et maneat in domo mariti ſui per quadraginta dies poſt mortem ipſius mariti ſui infra quos ei aſſinetur dos ſua niſi prius ei fuerit aſſignata vel niſi domus illa ſit caſtrum et ſi de caſtro receſſerit ſtatim provideatur ei domus competens in qua poſſit honeſte morari quouſque dos ſua ei aſſignetur ſecundum quod predictum eſt Nulla vidua diſtringatur ad ſe maritandum dum voluerit vivere ſine marito ita tamen quod ſecuritatem faciat quod ſe non maritabit ſine aſſenſu noſtro ſi de nobis tenuerit vel ſine aſſenſu domini ſui ſi de alio tenuerit. Nos vero vel ballivi noſtri non ſaiſiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris preſentia ſufficiunt ad debitum reddendum et ipſi debitor paratus ſit inde ſatisfacere ne plegii ipſius debitoris diſtringantur

No. I.

5 6 7 8 9

No. I. gantur quamdiu ipſe capitalis debitor ſufficiat ad ſolutionem debiti et ſi capitalis debitor defecerit in ſolutione debiti non habens unde reddat aut reddere nolit cum poſſit plegii reſpondeant de debito et ſi voluerint habeant terras et redditus debitoris quouſque ſit eis ſatisfactum de debito quod ante pro eo ſolverint niſi capitalis debitor monſtra-
10 verit ſe inde eſſe quietum verſus eoſdem plegios Civitas London' habeat omnes antiquas libertates et liberas conſuetudines ſuas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et barones de quinque portubus et omnes portus habeant omnes libertates et
11 liberas conſuetudines ſuas Nullus diſtringatur ad faciendum majus ſervicium de feodo militis nec de alio libero
12 tenemento quam inde debetur Communia placita non ſequantur curiam noſtram ſed teneantur in aliquo certo
13 loco Recognitiones de nova diſſeiſina de morte anteceſſoris de ultima preſentatione non capiantur niſi in ſuis comitatibus et hoc modo Nos vel ſi extra regnum fuerimus capitalis juſticiarius noſter mittemus duos juſticiarios per unumquemque comitatum per quatuor vices in anno qui cum quatuor militibus cujuſlibet commitatus electis per comitatum capiant in comitatu in die et loco comita-
14 tus aſſiſas predictas Et ſi in die comitatus aſſiſe predicte capi non poſſint tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo per quos poſſint ſufficienter judicia fieri ſecundum quod negotium fuerit
15 majus vel minus Liber homo non amercietur pro parvo delicto niſi ſecundum modum ipſius delicti et pro magno delicto ſecundum magnitudinem delicti ſalvo contenemento ſuo et mercator eodem modo ſalva mercandiſa ſua et villanus eodem modo amercietur ſalvo wainnagio ſuo ſi inciderit in miſericordiam noſtram et nulla predictarum miſericordiarum ponatur niſi per ſacramentum proborum
16 et legalium hominum de viſneto Comites et barones non amercientur niſi per pares ſuos et non niſi ſecundum mo-
17 dum delicti Nullus clericus amercietur niſi ſecundum

formam

formam predictorum et non ſecundum quantitatem beneficii ſui eccleſiaſtici Nec villa nec homo diſtringatur facere pontes ad riparias niſi qui ab antiquo et de jure facere debet Nullus vicecomes conſtabularius coronatores vel alii ballivi noſtri teneant placita corone noſtre Si aliquis tenens de nobis laicum feodum moriatur et vicecomes vel ballivus noſter oſtendat literas noſtras patentes de ſummonitione noſtra de debito quod defunctus nobis debuit liceat vicecomiti vel ballivo noſtro attachiare et imbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per viſum legalium hominum ita tamen quod nichil inde amoveatur donec perſolvatur nobis debitum quod clarum fuerit et reſiduum relinquatur executoribus ad faciendum teſtamentum defuncti et ſi nichil nobis debeatur ab ipſo omnia catalla cedant defuncto ſalvis uxori ipſius et puerus ſuis rationabilibus partibus ſuis Nullus conſtabularius vel ejus ballivus capiat blada vel alia catalla alicujus qui non ſit de villa ubi caſtrum ſuum eſt niſi ſtatim inde reddat denarios aut reſpectum inde habere poſſit de voluntate venditoris ſi autum de villa fuerit teneatur infra tres ſeptimanas precium reddere Nullus conſtabularius diſtringat aliquem militem ad dandum denarios pro cuſtodia caſtri ſi ipſe eam facere voluerit in propria perſona ſua vel per alium probum hominem ſi ipſe eam facere non poſſit propter rationabilem cauſam et ſi nos duxerimus vel miſerimus eum in excercitum erit quietus de cuſtodia ſecundum quantitatem temporis quo per nos fuerit in exercitu. Nullus vicecomes vel ballivus noſter vel alius capiat equos vel carectas alicujus pro cariagio faciendo niſi reddat liberationem antiquitus ſtatutam ſcilicet pro carecta ad duos equos decem denarios per diem et pro carecta ad tres equos quatuordecim denarios per diem Nec nos nec ballivi noſtri capiemus alienum boſcum ad caſtra vel alia agenda noſtra niſi per voluntatem ipſius cujus boſcus ille fuerit Nos non tenebimus terras eorum qui convicti fuerint de felonia niſi per unum annum et unum diem

No I.

18 19 20 21 22 23 24 25

No. I. diem et tunc reddantur terre dominis feodorum Omnes kydelii de cetero deponantur penitus per Thamiſiam et
26 Medeweiam et per totam Angliam niſi per coſteram maris
27 Breve quod vocatur Precipe de cetero non fiat alicui de aliquo tenemento unde liber homo amittere poſſit curiam
28 ſuam Una menſura vini ſit per totum regnum noſtrum et una menſura cerviſie et una menſura bladi ſcilicet quarterium London' et una latitudo panorum tinctorum et ruſſettorum et haubergettorum ſcilicet due ulne infra liſtas
29 De ponderibus autem ſit ut de menſuris Nichil detur de cetero pro brevi inquiſitionis de vita vel membris ſed gratis
30 concedatur et non negetur Si aliquis teneat de nobis per feodifirmam vel ſokagium vel per burgagium et de alio terram teneat per ſervicium militare nos non habebimus cuſtodiam heredis nec terre ſue que eſt de feodo alterius occaſione illius feodifirme vel ſokagii vel burgagii nec habebimus cuſtodiam illius feodifirme vel ſokagii vel burgagii niſi ipſa feodifirma debeat ſervicium militare. Nos non habebimus cuſtodiam heredis vel terre alicujus quam tenet de alio per ſervicium militare occaſione alicujus parve ſerganterie quam tenet de nobis per ſervicium reddendi
31 nobis cultellos vel ſagittas vel hujuſmodi Nullus ballivus ponat de cetero aliquem ad legem ſimplici loquela ſua ſine
32 teſtibus fidelibus ad hoc inductis Nullus liber homo capiatur vel impriſonetur aut diſſeiſiatur aut utlagetur aut exulet aut aliquo alio modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale judicium parium ſuorum
33 vel per legem terre Nulli vendemus nulli negabimus aut
34 differemus rectum aut juſticiam Omnes mercatores niſi publice ante prohibiti fuerint habeant ſalvum et ſecurum exire de Anglia et venire in Angliam et morari et ire per Angliam tam per terram quam per aquas ad emendum et vendendum ſine omnibus malis toltis per antiquas et rectas conſuetudines preterquam in tempore guerre et ſi ſint de terra contra nos guerrina et ſi tales inveniantur in terra noſtra in principio guerre attachientur ſine dampno corporum

porum vel rerum donec ſciatur a nobis vel a capitali juſti- No. I.
ciario noſtro quomodo mercatores terre noſtre tractentur
qui tunc invenientur in terra contra nos guerrina et ſi
noſtri ſalvi ſint ibi alii ſalvi ſint in terra noſtra Si quis 35
tenuerit de aliqua eſcaeta ſicut de honore Walingeford
Notingeham Bolon' Lancaſtr' vel de aliis eſcaetis que ſunt
in manu noſtra et ſunt baronie et obierit heres ejus non
det aliud relevium nec faciat nobis aliud ſervicium quam
faceret baroni ſi terra illa eſſet in manu baronis et nos
eodem modo eam tenebimus quo baroneam tenuit Ho- 36
mines qui manent extra foreſtam non veniant de cetero
coram juſticiariis noſtris de foreſta per communes ſum-
monitiones niſi ſint in placito vel plegii alicujus vel ali-
quorum qui attachiati ſunt pro foreſta Omnes barones 37
qui fundaverint abbatias unde habent cartas regum Anglie
vel antiquam tenuram habeant earum cuſtodiam cum
vacaverint ſicut habere debent et ſicut ſupra declaratum eſt
Omnes foreſte que afforeſtate ſunt tempore regis Johannis 38
patris noſtri ſtatim deafforeſtentur et ita fiat de ripariis que
per eundem Johannem tempore ſuo poſite ſunt in defenſo
Nullus capiatur vel impriſonetur propter appellum femine 39
de morte alterius quam viri ſui Et ſi Rex Johannes pater 40
noſter diſſaiſierint vel elongaverit Wallenſes de terris vel
libertatibus vel aliis rebus ſine legali judicio parium ſuorum
in Anglia vel in Wallia eis ſtatim reddantur et ſi contentio
ſuper hoc orta fuerit tunc inde fiat in marchia per judicium
parium ſuorum de tenementis Anglie ſecundum legem
Anglie de tenementis Wallie ſecundum legem Wallie de
tenementis marchie ſecundum legem marchie idem facient
Wallenſes nobis et noſtris Omnes autem iſtas conſuetu- 41
dines predictas et libertates quas nos conceſſimus in regno
noſtro tenendas quantum ad nos pertinet erga noſtros
omnes de regno noſtro tam clerici quam laici obſervent
quantum ad ſe pertinet erga ſuos Quia vero quedam 42
capitula in priore carta continebantur que gravia et dubita-
bilia videbantur ſcilicet de ſcutagiis et auxiliis aſſidendis de

No I. debitis Judeorum et aliorum et de libertate exeundi de regno noſtro vel redeundi in regnum et de foreſtis et foreſtariis warrennis et warennariis et de conſuetudinibus comitatuum et de ripariis et earum cuſtodibus placuit ſupradictis prelatis et magnatibus ea eſſe in reſpectu quoſque plenius conſilium habuerimus et tunc faciemus pleniſſime tam de his quam de aliis que occurrerint emendanda que ad communem omnium utilitatem pertinuerint et pacem et ſtatum noſtrum et regni noſtri Quia vero ſigillum nondum habuimus preſentem cartam ſigillis venerabilis patris noſtri domini Gualonis titulo Sancti Martini preſbiteri cardinalis apoſtolice ſedis legati et Willielmi Mariſcalli Comitis Penbrok' rectoris noſtri et regni noſtri fecimus ſigillari Teſtibus omnibus prenominatis et aliis multis Dat' per manus predictorum domini legati et Willielmi Mariſcalli Comitis Penbr' apud Briſtollum duodecimo die Novembris anno regni noſtri primo.

NUMBER II.

Tranſlation of the Great Charter of King Henry III. granted November 12th, A. D. 1216, in the firſt Year of his Reign.

HENRY, by the grace of God, King of England, Lord of Ireland, duke of Normandy and Aquitaine, and Earl of Anjou, to all his archbiſhops, biſhops, abbots, earls, barons, juſticiaries, foreſters, ſheriffs, commanders, officers, bailffs, and all his faithful ſubjects, *wiſheth* health. Know ye, that we, from our regard to God, and for the ſalvation of our own ſoul, and

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and of the ſouls of all our anceſtors and ſucceſſors, to the honour of God, and the exaltation of holy church, and amendment of our kingdom, by the advice of our venerable fathers, Gualo, cardinal preſbyter, by the title of St. Martin's, legate of the apoſtolic ſee, Peter of Wincheſter, R. of St. Aſaph, J. of Bath and Glaſtonbury, S. of Exeter, R. of Chicheſter, W. of Coventry, B. of Rocheſter, H. of Landaff, — of St. David's — of Bangor, and S. of Worceſter, biſhops; and of theſe noblemen, William Mariſchal earl of Pembroke, Ralph earl of Cheſter, William de Ferrars earl of Derby, William earl of Albemarle, Hubert de Burgh, our chief juſticiary, Savary de Meauleone, William Brigwere the father, William Brigwere the ſon, Robert de Courtenay, Fawks de Breante, Reginald de Vautort, Walter de Laſey, Hugh Mortimere, John de Monmouth, Walter Beauchamp, Walter Clifford, Robert Mortimer, William de Cantelupe, Matthew Fitz-herbert, John Mariſchal, Allan Baſſet, Philip de Albiniaco, John Stranger, and others of our faithful ſubjects, have granted to God, and by this our preſent charter, have confirmed, for us, and our heirs for ever:——Firſt,—That the church of England ſhall be 1
free, and ſhall have her whole rights entire, and her liberties inviolated.—We have alſo granted to all the free men of our kingdom, all the underwritten liberties, to be enjoyed and held for ever by them and their heirs, of us and our heirs.——If any of our earls, or barons, or 2
others, who hold of us in chief by military ſervice, ſhall die, and at his death his heir ſhall be of full age, and ſhall owe a relief, he ſhall have his inheritance for the ancient relief, viz. the heir or heirs of an earl, a whole earl's barony, for one hundred pounds; the heir or heirs of a baron, a whole barony, for one hundred pounds; the heir or heirs of a knight, a whole knight's fee, for one hundred ſhillings at moſt; and he who owes leſs ſhall give leſs, according to the ancient cuſtom of fees.——

But

No. II.

But if the heirs of any ſuch be under age, his lord ſhall not have the cuſtody of his land till he hath accepted his
3 homage; and after ſuch an heir hath been in wardſhip, when he hath attained the age of one and twenty, he ſhall have his inheritance, without relief, and without fine, but ſo that though he ſhall be made a knight while he is under age, his land ſhall remain in the cuſtody of his
4 lord till the aforeſaid term.——The warden of the lands of ſuch an heir who is under age, ſhall not take of the lands of that heir any but reaſonable iſſues, and reaſonable cuſtoms, and reaſonable ſervices; and that without deſtruction or waſte of the men or goods: and if we commit the cuſtody of any ſuch land to a ſheriff, who is bound to anſwer to us for the iſſues of them, and he ſhall make deſtruction or waſte upon the lands in his cuſtody, we will recover damages from him, and the lands ſhall be committed to two legal and diſcreet men of that fee, who ſhall anſwer for the iſſues to us, or to him to whom we have aſſigned them; and if we ſhall have granted or ſold to any one the cuſtody of any ſuch lands, and he ſhall have made deſtruction or waſte he ſhall loſe the cuſtody, and it ſhall be committed to two legal and diſcreet men of
5 that fee, who ſhall anſwer to us as aforeſaid.——Beſides, the warden, as long as he hath the cuſtody of the lands, ſhall keep in order the houſes, parks, warrens, ponds, mills, and other things belonging to them, out of their iſſues; and ſhall deliver to the heir, when he is at age, his whole lands, provided with ploughs, and all other things, at leaſt as well as when he received them. All theſe rules ſhall be obſerved in the cuſtody of archbiſhoprics, biſhoprics, abbacies, priories, and vacant eccleſiaſtical dignities, except that the cuſtody of ſuch ſhall not be ſold.
6 ——Heirs ſhall be married without diſparagement.——
7 A widow, after the death of her huſband, ſhall, immediately and without difficulty, have her marriage-goods and her inheritance; nor ſhall ſhe pay any thing for her dower,

dower, or her marriage-goods, or her inheritance, which her huſband and ſhe had on the day of his death: and ſhe may remain forty days in her huſband's houſe after his death, within which time her dower ſhall be aſſigned her, if it had not been aſſigned before, unleſs that houſe be a caſtle; and if ſhe remove from the caſtle, a competent houſe ſhall immediately be provided for her, in which ſhe may live decently, until her dower ſhall be aſſigned her, as aforeſaid. No. II.

8 ——No widow ſhall be compelled to marry while ſhe chuſes to live without a huſband; but ſo that ſhe ſhall give ſecurity that ſhe will not marry without our conſent, if ſhe holds of us, or without the conſent of her lord, if ſhe holds of another.

9 ——Neither we nor our bailiffs ſhall ſeize any land or rent for any debt, while the chattels of the debtor are ſufficient for the payment of the debt, and the debtor is willing to pay it; nor ſhall the ſureties of the debtor be diſtrained while the principal debtor is able to pay the debt; and if the principal debtor fail in the payment of the debt, not being able to pay it, or not willing when he is able, the ſureties ſhall anſwer for the debt; and if they pleaſe they ſhall have the lands and rents of the debtor, until ſatisfaction be made to them for the debt which they had before paid for him, unleſs the principal debtor can ſhew that he is diſcharged from it by the ſaid ſureties.

10 ——The city of London ſhall have all its ancient liberties and free cuſtoms. We alſo will and grant, that all other cities, burghs, and towns, the barons of the cinque ports, and all other ports, ſhall have all their liberties and free cuſtoms.

11 ——Let no man be compelled to do more ſervice for a knight's fee, or for any other free tenement, than what is due from thence.

12 ——Common pleas ſhall not follow our court, but be held in ſome certain place.

13 ——Aſſizes of mortdanceſter, novel diſſeiſin, and darrein preſentment, ſhall not be taken but in their own counties, and in this manner.—We, or, if we are out of the kingdom, our chief juſticiary, ſhall ſend

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two juſticiaries into each county, four times a year, who, with four knights of each county, choſen by the county, ſhall take the foreſaid aſſizes, within the county, at the
14 time and place of the county-court.——And if the foreſaid aſſizes cannot be taken on the day of the county-court, let as many knights and freeholders, of thoſe who were preſent at the county-court, remain as may be ſufficient to take theſe aſſizes, according to their importance.——
15 A freeman ſhall not be amerced for a ſmall offence, but only according to the degree of the offence; and for a greater delinquency, according to the magnitude of the delinquency, ſaving his freehold; a merchant in the ſame manner, ſaving his merchandiſe; and a villain, ſaving his implements of huſbandry.—It they fall into our mercy, none of the foreſaid amerciaments ſhall be aſſeſſed but by
16 honeſt men of the vicinage.——Earls and barons ſhall not be amerced but by their peers, and that only according
17 to the degree of their delinquency.——No clerk ſhall be amerced but according to the form aforeſaid, and not according to the quantity of his eccleſiaſtical benefice.——
18 Neither a town nor a particular perſon ſhall be compelled to build bridges over rivers, except thoſe who anciently
19 and of right are bound to do it.——No ſheriffs, commanders of caſtles, coroners or other bailiffs of ours,
20 ſhall hold pleas of our crown.——If any one holding of us a lay fee dies, and our ſheriff or bailiff ſhall ſhew our letters patent of ſummons for a debt which the defunct owed to us, it ſhall be lawful for our ſheriff or bailiff to attach and regiſter the chattels found on that fee at the ſight of lawful men, ſo that nothing ſhall be removed from thence until our debt which is clearly due to us is paid; and the reſidue ſhall be left to the executors, to fulfil the laſt-will of the defunct; and if nothing ſhall be owing to us by him, let all the chattels fall to the defunct, ſaving to his wife and children their reaſonable ſhares.
21 ——No commander of caſtle, or his bailiff, ſhall take

the corns or goods of any one who doth not belong to the town where his caſtle is, without immediately paying money for them, unleſs he can obtain a reſpite with the free conſent of the ſeller; but if he do not belong to that town, he ſhall be obliged to pay the price within three weeks.——No commander of caſtle ſhall compel any knight to give money for caſtle-guard, if he is willing to perform it in his own perſon, or by another ſufficient man, if he cannot perform it himſelf, for a reaſonable cauſe; and if we ſhall have carried or ſent him into the army, he ſhall be free from caſtle-guard, according to the ſpace of time he ſhall have been in the army by our command.——No ſheriff or bailiff of ours, or of another, ſhall take the horſes or carts of any one to perform carriage, unleſs he pay the price anciently fixed by the ſtatute, viz. for a cart with two horſes ten pence a-day, and for a cart with three horſes fourteen pence a-day.——Neither we nor our bailiff ſhall take another man's wood for our caſtles, or other uſes, without the conſent of him to whom the wood belongs.——We ſhall not retain the lands of thoſe who have been convicted of felony, longer than one year and one day, and then they ſhall be given up to the lord of the fee.——All wears for the future ſhall be quite removed out of the Thames, the Medway, and through all England, except on the ſea-coaſt.——The writ which is called *precipe*, for the future, ſhall not be granted to any one, concerning any tenement, by which a freeman may loſe his court.——There ſhall be one meaſure of wine through all our kingdom, and one meaſure of ale, and one meaſure of corn, viz. the quarter of London; and one breadth of dyed cloth, and of ruſſets, and of halberjects, viz. two ells within the liſts. It ſhall be the ſame with weights as with meaſures.——Nothing ſhall be given, for the future, for the writ of inquiſition of life and limb; but it ſhall be given gratis, and not denied.——If any hold of us by fee-farm, or

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ſoccage, or burgage, and holds an eſtate of another by military ſervice, we ſhall not have the cuſtody of the heir, or of his land, which is of the fee of another, on account of that fee-farm, or ſoccage, or burgage; nor ſhall we have the cuſtody of that fee-farm, ſoccage, or burgage land, unleſs it owes military ſervice. We ſhall not have the cuſtody of the heir or of the land of any one, which he holds of another, by military ſervice, on account of any petty ſergeantry, which he holds of us, by the ſer-
31 vice of giving us knives or arrows, or the like.——No bailiff, for the future, ſhall put any man to his law, upon a verbal complaint, without credible witneſſes produced
32 to that effect.——No freeman ſhall be ſeized or impriſoned, or diſſeiſed, or outlawed, or baniſhed, or in any other way deſtroyed, nor will we go upon him, nor will we ſend upon him, except by the legal judgment of his
33 peers, or by the law of the land [a].——To none will we ſell, to none will we deny, to none will we delay right
34 and juſtice.——All merchants, unleſs they have been before publicly prohibited, ſhall be ſafe and ſecure, in going out of England, coming into England, ſtaying in and travelling through England, as well by land as by water, to buy and to ſell, without any unjuſt exactions, according to ancient and right cuſtoms, except in time of war; and if they belong to a country at war with us; and if ſuch are found in our territories at the beginning of a war, let them be apprehended without injury of their bodies or goods, until it be known to us, or to our chief juſticiary, how the merchants of our country are treated who are found then in the country at war with us; and if ours are not moleſted there, the other ſhall
35 not be moleſted in our dominions.——If any one holdeth of any eſcheat, as of the honour of Wallingford, Nottingham, Boulogne, Lancaſter, or of other eſcheats,

[a] See vol. 6. p. 80.

which

which are in our hands, and are baronies, and he ſhall die, his heir ſhall not pay any other relief, or do any other ſervice to us, than he would have done to the baron, if the lands had been in the hands of the baron; and we ſhall hold it in the ſame manner that the baron held it. ——Men who reſide without a foreſt, ſhall not, for the 36 future, come before our juſtices of the foreſt, on a common ſummons, unleſs they be parties in a plea, or ſureties for ſome perſon or perſons attached for the foreſt. ——All barons who have founded abbies, of which they 37 have charters from the kings of England, or ancient tenures, ſhall have the cuſtody of them when they are vacant, as of right they ought to have, and as it is declared above.——All foreſts which were made in the 38 time of king John, our father, ſhall be immediately diſforeſted: the ſame ſhall be done with rivers which were appropriated by the ſame king John in his time.——No 39 man ſhall be apprehended on the appeal of a woman for the murder of any other than her huſband.——If king 40 John, our father, diſſeiſed or diſpoſſeſſed any Welſhmen of their lands, liberties, or other things, without a lawful trial by their peers, in England or in Wales, let them be immediately reſtored to them; and if any diſpute ſhall ariſe about it, then let it be determined in the marches, by the judgment of their peers, if the tenement be in England, according to the law of England; if in Wales, according to the law of Wales; if in the marches, according to the law of the marches. The Welſh ſhall do the ſame to us and our ſubjects.——All the above cuſ- 41 toms and liberties which we have granted in our kingdom, to be warranted by us to our people, ſhall be obſerved by all our ſubjects, both clergy and laity, towards thoſe that hold of them.——But becauſe ſome 42 chapters contained in the former charter, ſeemed of great importance, and of a doubtful nature, viz. of the manner of aſſeſſing ſcutages and aids,—of the debts of

No. II. the Jews and others,—of the liberty of going out of the kingdom and returning into it,—of foreſts and foreſters, warrens and warreners, of the cuſtoms of counties,—of rivers and their keepers, it ſeemed good to the aforeſaid prelates and nobles, that theſe ſhould be ſuſpended till further deliberation be had, and then we ſhall do, in the moſt ample manner, concerning theſe, and all other things which may occur to be amended, what may tend to the common benefit of all, and to the peace and proſperity of us and our kingdom. But becauſe we have not yet a great ſeal of our own, we have commanded this preſent charter to be ſealed with the ſeals of our venerable father lord Gualo cardinal preſbyter, by the title of St. Martin, and legate of the Apoſtolic ſee, and of William Mariſchal earl of Pembroke, governor of us and of our kingdom, all the before named, and many others, being witneſſes. Given by the hands of the aforeſaid lord legate and William Mariſchal earl of Pembroke, at Briſtol, the twelfth day of November, in the firſt year of our reign.

NUMBER III.

No. III. Proviſions, &c. at the Inſtallation-feaſt of Ralph de Borne, abbot of St. Auſtin's abbey, Canterbury, with their prices, A. D. 1309[a].

Wheat, 53 loads, price	-			£	19	0 0
Malt, 58 loads	-	-			17	10 0
Wine, 11 tuns	-	-			24	0 0
Oats, 20 loads	-	-	-		4	0 0

[a] Chron. T. Thorn, col. 2010.

Spices

No. III.

Spices - - -	£ 28	0	0
Wax, 300 pounds - - -	8	0	0
Almonds, 500 pounds - -	3	18	0
Carcaſſes of beef, 30 - -	27	0	0
Hogs, 100 - -	16	0	0
Sheep, 200 - -	30	0	0
Geeſe, 1000 - -	16	0	0
Capons and hens, 500 - -	6	5	0
Chickens, 463 - -	3	14	0
Pigs, 200 - - -	5	0	0
Swans, 34 - - -	7	0	0
Rabbits, 600 - - -	15	0	0
Shields of braun, 17 - -	3	5	0
Partridges, mallards, bitterns, larks -	18	0	0
Earthen pots, 1000 - -	0	15	0
Salt, 9 loads - - -	0	10	0
Cups, 1400, diſhes and plates, 3300, beſoms, &c.	8	4	0
Fiſh, cheeſe, milk, garlic - -	2	10	0
Eggs, 9600 - - -	4	10	0
Saffron and pepper - -	1	14	0
Coals, caſks, furnaces - -	2	8	0
Making tables, treſtles, dreſſers -	1	14	0
Canvas, 300 ells - -	4	0	0
To cooks and their boys - -	6	0	0
To minſtrels - - -	3	10	0

NUMBER IV.

No. IV. A Charter of Henry III. A. D. 1258, in the vulgar Engliſh of that time, with a literal tranſlation interlined.

HENRY, thurg Godes fultome, king on Englene-
Henry, through God's ſupport, king of Eng-

loande, lhoauerd on Yrloand, duk on Normand, on
land, lord of Ireland, duke of Normandy, of

Acquitain, eorl on Anjou, ſend I greting, to alle hiſe
Acquitain, earl of Anjou, ſends greeting, to all his

holde, ilærde and ilewede[a] on Huntindonn-ſchiere.
ſubjects, learned and unlearned[a] of Huntington-ſhire.

Thæt witen ge wel alle, thæt we willen and unnen,
This know ye well all, that we will and grant,

thæt ure rædeſmen alle other the moare del of heom,
what our counſellors all or the more part of them

thæt beoth jchoſen thurg us and thurg thæt loandes-
that be choſen through us and through the land-

folk on ure kuneriche, habbith idon, and ſchullen don, in
folk of our kingdom, have done, and ſhall do, to

the worthnes of God, and ure treowthe, for the freme
the honour of God, and our allegiance, for the good

[a] Clergy and laity.

of

of the loande, thurg the beſigte of than toforen No. IV.
of the land, through the determination of thoſe before

iſeide rædeſmen, beo ſtedefæſt and ileſtinde in alle
ſaid counſellors, be ſtedfaſt and permanent in all

thinge abutan ænde, and the heaten all ure treowe, in
things without end, and we enjoin all our lieges, by

the treowthe thet heo us ogen, thet heo ſtede-feſtliche
the allegiance that they us owe, that they ſtedfaſtly

healden and weren to healden and to ſwerien the
hold and ſwear to hold and to maintain the

iſetneſſes thet beon makede and beo to makien, thurg
ordinances that be made and be to be made, through

than to foren iſeide rædeſmen, other thurg the moare
the before ſaid counſellors, or through the more

del of heom alſwo, alſe hit is beforeſe iſeide. And thet
part of them alſo, as it is before ſaid. And that

æhcother helpe thet for to done bitham ilche other,
each other help that for to do by them each other,

aganes alle men, in alle thet heo ogt for to done, and
againſt all men, in all that they ought for to do, and

to foangen. And noan ne of mine loande, ne of
to promote. And none either of my land, nor of

egetewher, thurg this beſigte, muge beon ilet other
elſwhere, through this buſineſs, may be impeded or

iwerſed on oniewiſe. And gif oni ether onie
damaged in any way. And if any man or any woman

cumen

No. IV.

cumen her ongenes, we willen and heaten, thæt alle
cometh them againſt, we will and enjoin, that all

ure treowe heom healden deadlichiſtan. And for thæt
our lieges them hold deadly foes. And for that

we willen thet this beo ſtedefæſt and leſtinde, we ſenden
we will that this be ſtedfaſt and laſting, we ſend

gew this writ open, iſeined with ure ſeel, to halden
you this writ open, ſealed with our ſeal, to keep

amanges gew ine hord. Witnes us-ſelven æt Lundæn-
amongſt you in ſtore. Witneſs ourſelf at Lon-

thane, egtetenthe day on the monthe of Octobr, in
don, the eighteenth day of the month of October, in

the two and fowertigthe geare of ure crunning.
the two and fortieth year of our crowning.

END OF THE EIGHTH VOLUME.

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